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# JESUS AND THE LAW OF MOSES

# JESUS AND THE LAW OF MOSES

BY

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RICHARD R. SMITH, INC.
NEW YORK

1930

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To

M. V. B.

# PREFACE

In the writing of this book I have been assisted by a number of individuals to whom my thanks are due. To Professor J. E. Frame and Professor E. F. Scott of Union Theological Seminary in New York I am, however, especially indebted. To the former, who made available his profound scholarship in most generous measure and whose detailed criticisms and advice were invaluable, I owe that debt which all who have worked under his direction share. To Professor Scott I am grateful not only for valuable suggestions, criticisms and encouragement, but also for the privilege of many a long and free discussion of the problems of early Christianity, the full value of which no one who has not had the experience can appreciate.

I wish also to express my thanks to Professor G. F. Moore of Harvard University. He has added to my debt to him as the author of *Judaism* by graciously replying at length to questions on which I desired his authoritative judgment. To Professor S. S. Cohon of Hebrew Union College and Professor A. M. Perry of Bangor Theological Seminary I am indebted for the opportunity of reading valuable articles previous to their publication.

It is unnecessary for me to acknowledge my obligation to all those scholars, Jewish and Christian, who in recent years have been making available a knowledge of the Judaism of the first century. The obligation is evident on the pages which follow. It is, however, a pleasure to refer to it.

BENNETT HARVIE BRANSCOMB

Durham, N. C.
February, 1930.

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# JESUS AND THE LAW OF MOSES

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## CHAPTER I

### THE LAW AND THE GOSPEL

IN the first century of our era Christianity was born of Judaism. In time the infant church developed a theology of its own and acquired an additional collection of sacred scriptures which differentiated it from the synagogue, but in the earlier formative years while the separation was in process this was not the case. The two religious communities used the same scriptures, had the same conception of God, and possessed in general the same ethical ideals. Where lay the differentiating factor which was powerful enough to force asunder two groups so nearly identical in their religious convictions and ethical standards?

The books of the New Testament were written during this early formative period and the relation of the church to the synagogue is one of the major themes with which they are concerned. These writings give a clear and definite answer to the above question: on the one hand the church refused to accept the Jewish view of the law of Moses, and on the other hand the

Jews refused to accept the Christian belief that the Messiah had come in the person of Jesus of Nazareth. These propositions went to the heart of the two religious systems and made separation imperative in spite of all the similarities of creed and practice. The Law or the Gospel, Sinai or Calvary, Moses or Christ?—in such phrases the original issue between the two religions has been echoed through the centuries.

To what extent was Jesus responsible for this development which threw overboard the most fundamental tenet of Judaism? Did Paul found Christianity? Certainly it is in his letters that the Christian rejection of the law first comes to clear and unequivocal expression. What was the relation of Paul to his Christian predecessors on this decisive point? To what extent did the development which we associate with the names of the Hellenistic Jews, Stephen, Barnabas and Paul, go back to and have its roots in the teaching of Jesus?

On this point the Gospels themselves give data which are inconsistent and contradictory. The divergence of alleged sayings of Jesus concerning the law preserved in the Synoptic Gospels is well known. Not only does one find expressed both extreme positions but a number of intermediate ones as well. One can construct a sort of chromatic scale made of sayings of Jesus in which all the notes are struck from the complete rejection of the law to its complete affirmation. Thus we are told that Jesus declared the law and the prophets to have ceased with John; that he gave a new law of his own which was the completion of the old; that he merely rejected certain specific commandments while affirming the rest; that he rejected the oral law as a "tradition of men" but strongly maintained the validity of the written code; and finally, that he demanded obedience to the whole Torah including the decisions of the scribes who he declared "sit in Moses' seat." Modern interpretations of Jesus' relation to Judaism on the one hand and to Paul and early Christianity on the other have been equally divergent. It is just in this crucial respect that our knowledge of Jesus' thought and attitude has been most uncertain and unsatisfactory.

The problem has always pressed heavily for an answer but of late it has become especially acute. Thanks to the work of such scholars as Bacher, Abrahams, Montefiore, Moore, Strack-Billerbeck, and others, the similarity in the ethical outlook of early Christianity and Judaism has been placed more and more beyond dispute. With the establishment of this fact the question as to the cause of the opposition between Jesus and the Pharisees has become constantly more insistent. Why should an individual who proclaimed to the multitudes in vivid and unforgettable phrases the noblest ethical and religious teachings of the synagogue have been regarded by the leaders of that institution as a dangerous and harmful figure? And on the other hand, why should Jesus have denounced these scribes and Pharisees as "blind leaders," if his teachings were so similar to, indeed, drawn from, the moral and religious heritage of the synagogue?

Thus the question of the attitude of Jesus to the Law of Moses has become an imperative one. Fortunately, the new knowledge of Pharisaism which has made the problem especially urgent supplies also in part the material for its solution. In the light of this knowledge many a saying or episode preserved in the Gospels stands out in fresh light. But the answer to the problem cannot be gained by easy generalisations nor a priori opinions. One must see clearly the point of view as to the law which was accepted unquestionably in Jesus' day, recover the particular bias of our several Gospel writers, and then patiently examine in detail the evidence as to Jesus' position which has been preserved. If the path be tedious and the going rough, one may be encouraged by the recollection that the short cuts are undependable and the goal quite worth the effort.

# CHAPTER II

## THE LAW OF MOSES IN JEWISH THOUGHT OF THE FIRST CENTURY

THE development of a society is like the growth of an individual: there are periods of storm and stress and change alternating with long seasons in which the organism is primarily engaged in achieving co-ordination and unity. The child does not become an adult nor the society achieve its full development by steady growth evenly distributed over the years. Rather, there are periods of crisis and change when a new synthesis of the forces of the organism is accomplished, and there are periods of seemingly retarded development marked only by the gradual maturing of tendencies already established.

Jewish society in the period with which this book is concerned well illustrates this comparison. For two centuries and a half, thought and practice had moved steadily along lines laid out by the genius of Nehemiah and Ezra. The ripening of inner forces, the intrusion of Hellenistic influences, the attempt of Antiochus Epiphanes to stamp out Jewish piety produced in the days of the Maccabees a crisis in which the very nature of the society was at stake. Out of this crisis the adherents of the inherited religious and moral code emerged victorious, and the succeeding century and a half, in spite of much bloodshed and political confusion, was a period in which Pharisaic ideals were progressively established. But about the beginning of the first century A.D. Judaism came again to a period of unrest and ferment and change. The circles of the rabbis were split into opposing factions. Among the laity there appeared a revival of prophecy out of harmony with established institutions. There were sects and tendencies seeking a higher righteousness. Among the masses the spirit of dissatisfaction and revolt was growing and in 70 A.D. finally brought about the struggle which ended the Jewish state. At Jabne, under Johannan ben Zakkai, one might say that Judaism reached its maturity, and, like the individual adult, achieved permanence and fixity of character.

But the point of the simile employed above is rather to call attention to one aspect of these periods of crisis and change within a society. In the growing child or adolescent one finds new interests and adaptations incongruously mixed with the old. He is to be understood in terms of a series of years rather than by his exact age.

The same is true of the social organism. The subject of this chapter is the Jewish attitudes toward the Law of Moses in the first half century of the Christian era, but these attitudes cannot be understood nor described except in the light of an historical development long preceding the century of the Roman procurators and the Schools of Hillel and Shammai.

The starting point for the understanding of the doctrine of the Torah must be sought in the early years of the second century B.C. before the conflict with Hellenism became acute. The picture of that society has been preserved to us by Jesus ben Sirach who taught the youth in Jerusalem[1] and who wrote down his "wise instruction and apt proverbs."[2] The picture which he gives is of a society at peace with itself. It had learned the lesson of the exile as interpreted by the prophets—that the national calamities had been due to neglect of the law revealed unto the fathers.[3] Not only could there be no national security, there could be no honour apart from the observance of this law. "A despicable race is that which transgresseth the commandment."[4] Nor is the case different for the individual: "Woe unto you, ungodly man, who hath forsaken the law of the Most High."[5] Ben Sirach is convinced not only that "all wisdom is the fear of the Lord" but specifically that "all wisdom is the fulfilling of the law."[6] As to the identification of this "law" there can be no doubt; it is the one which God gave to Moses on Mount Sinai.[7]

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[1] Sirach, li, 23.

[2] Sirach, l, 27.

[3] Sirach, xlviii, 15; xlix, 4.

[4] Sirach, x, 19.

[5] Sirach, xli, 8.

This society which ben Sirach pictures to us seems unbroken by any inner conflict. Though there are many wicked men there is no organised opposition to the authority and sanctity of the law. This is shown by the fact that we find engaged in teaching the law to the people all three of the leading religious groups, the wise men,[8] the priests,[9] and the scribes, probably identical in part with "the wise."[10] Furthermore, ben Sirach gives no hint of any dispute over the oral tradition such as emerges a few decades after the Maccabeean Revolt. That he included study of the oral tradition in that pursuit of wisdom to which he exhorted his hearers, can hardly be doubted. Moore has shown recently that we must recognise the existence of such a tradition supplementing and interpreting the text of the law from the earliest times.[11] Without such traditional knowledge exact obedience to the written law would have been impossible. When, then, we read in ben Sirach that the ideal scribe is one "who searchest out the wisdom of all the ancients . . . and heedeth the discourses of men of renown," [12] or his more pointed injunction, "Reject not the tradition [Heb. בשמועת, hearing] of the aged which they heard from their fathers," [13] it is reasonable to conclude that he has in mind not only matters of general moral and religious instruction, i.e., haggada, but also a knowledge of halacha, the legally binding decisions of the scribes.[14]

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[6] Sirach, xix, 20.

[7] See Sirach, xlv, 1-5; xlv, 17; xxiv, 23; etc. That Abraham is also said to have "kept the commandment" (xliv, 20) is in full accord with rabbinic ideas later expressed.

[8] Sirach, vi, 36f.

[9] Sirach, xlv, 17; *cf.* Mal., ii, 7.

[10] Sirach, xxxviii, 33f; *cf.* ver. 24. See also xxxix, l, 7, 8 and li, 23.

Nevertheless, the generality of his phrasing when touching the subject and the absence of any consciousness of polemic interest in the matter indicate that as yet the issue of the authority of the oral law had not been raised. "Torah" has not yet become two laws, one written, one oral, but rather one law practised in the traditional manner.

The normal life of the Jew of the third century B.C. and beginning of the second was no doubt fairly well covered by his traditional law.

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[11] Moore, *Judaism,* Vol. i, pp. 30-34 and 251-53. Hereafter cited as Moore, Vol. i.

[12] Sirach, xxxix, 1f.

[13] Sirach, viii, 9. Box and Oesterley follow Smend in translating by "tradition" on grounds of the context.

[14] *Cf.* Oesterley, *The Wisdom of Ben Sirach,* p. lv.

This moral and religious inheritance was a sufficient guide in the relatively stable and homogeneous conditions of the time. But as the circumambient Hellenistic civilisation more and more thrust itself into the life of Judea new conditions had to be faced. Circumstances arose for which there was no precept in the law nor custom well established by tradition. Nor was the change entirely one of circumstance: concepts in many Jewish minds were changing and answers which the ancient tradition supplied to many a pressing problem were no longer satisfactory. In such conditions one of two things had to happen: the traditional code must be expanded to meet and include new circumstances and reinterpreted in accord with new beliefs, or it must be content to leave these experiences outside the scope of its authority and these new ideas unrecognised.

These alternatives we find embodied in two parties, the Pharisees and the Sadducees, which appear upon the scene shortly after the Maccabeean Revolt. Previous to this time the dominant religious problem was whether or not the religion of the law would survive the incoming flood of Hellenistic influences. Divergent tendencies within the ranks of religious teachers there no doubt were, but these were held in check by the necessity of common opposition to the wholesale desertion of the law which seemed in danger of taking place. It is not surprising therefore that we hear of Pharisees and Sadducees only after the Maccabeean Revolt had thrown off the Syrian domination and placed in the hands of the Hasmoneans and their advisers the direction of civil and religious affairs.[15]

There is much in connection with the genesis and character of these two groups which is obscure. The key to the interpretation of their origin and character has been variously found in the different social strata which they represented, their respective views as to the political career of the nation, their attitude toward theological change and innovation, and, lately, their respective urban and rural affiliations.[16] Into the whole of this debate it is unnecessary to enter. It will be sufficient if we keep in mind three facts in connection with these parties:

(1) The mass of the population belonged to neither party. Josephus speaking of the Pharisees in the time of Herod describes them as a sect and gives their number as about six thousand.[17] The struggle between the two parties was

[15] *Antt.* XIII, 5, 9.

[16] For an excellent summary of views of the Pharisees and Sadducees as well as a contribution to the discussion, see Finkelstein, "The Pharisees: Their Origin and Philosophy," Harvard Theological Review, Vol. XXII, No. 3, July 1929.

[17] *Antt.* XVII, 2, 4.

one between two groups contending for the leadership of the nation's life.

(2) The party of the Sadducees was a wealthy, conservative, priestly led group. The party of the Pharisees was more democratic in character, more progressive as to doctrinal and social changes, and lay (rather than priestly) in its leadership.[18]

(3) Their many sided conflict came to a head in their different attitude toward the Torah which has been hinted at above.

The position of these two groups as to the Torah is stated by Josephus in an oft quoted passage: "The Pharisees have delivered to the people a great many traditional observances handed down from their fathers which are not written in the laws of Moses, and for that reason it is that the Sadducees reject them and say that we are to esteem those observances obligatory that are in the written word, but are not to observe what are derived from the tradition of our forefathers." [19]

This is to be regarded as a general statement and does not express the different attitude of the two groups with exactness. In particular, it must be supplemented by two important facts.

In the first place the Sadducees had an oral tradition of their own. Some such tradition was necessary, as Moore has shown.[20] For example, the directions concerning the ritual given in the Pentateuch are in certain cases very general and inadequate.[21] Nor are the criminal codes in the written text complete either so far as relationships covered or exact definition and application of the statutes which are given. The situation here is succinctly summed up in a sentence of Moore's: "The major part of the native law under which the Jews lived during the centuries of Persian and Greek domination must have been an unwritten common law, the custom of the community, preserved particularly by the elders or judges before whom cases came."[22] In these realms Sadducees no less than Pharisees were dependent upon tradition. The matter, however, is not left merely in the realm of the probable, for a number of the items in Sadducean oral tradition have been preserved in the Talmud. These deal with matters of clean and unclean, with questions of the ritual, with the dating of the festivals, and with civil and criminal matters such as the liability of the owners of slaves, the recourse to the death penalty, and the like.[23] The fact then that the Sadducees had their own traditions, as did the Pharisees, shows that the difference between the two must be sought not in the acceptance or rejection of oral traditions as such but rather in the content and sanction of the tradition accepted. The Sadducees received no tradition as of ultimate authority which did not rest upon the text of Scripture.[24] This they claimed was the only law given by God to Moses. All other traditions had their authority only by legislative enactment or decree.[25] In other words, the Sadducees rejected as having divine sanction all traditions which went beyond the written law. To the expansions and additions of the scribes, they were opposed. Outside this sphere of written law they turned to the machinery of politics and statecraft. Religion in their hands was thus confined as far as possible to its original compass.

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[18] *Antt.* XIII, 10, 5 and 6; XVII, 2, 4; XVIII, 1, 3 and 4; XX, 9, 1.

[19] *Antt.* XIII, 10, 6.

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[20] See note 11.

[21] Note how the people in olden days were accustomed to inquire of the priests for supplementary rulings, Haggai, ii, 11-13.

[22] Moore, Vol. 1, p. 252.

In the second place it must be noted that the Sadducees interpreted the written law in a very literal fashion. The half shekel annual payment for the support of the temple they declared to be voluntary, since the passage Ex. XXX, 11, speaks only of a payment on that occasion and says nothing of an annual tax.[26] They observed the Feast of Pentecost on the first day of the week, interpreting "the morrow of the Sabbath" of Leviticus xxiii in literal fashion.[27] They refused to apply the laws of impurity to vessels made of metal or glass because the Biblical laws speak only of utensils made of more primitive materials.[27a] In the case of criminal punishments, however, this literalism is most evident. Josephus speaks of the Sadducees as being "more severe in punishing offenders than all other Jews,"[28] the outstanding example being their literal application of the *lex talionis*.[29] This severity in punishment Leszynsky remarks was due simply to the "unerbittlich and schonungslos" way in which they followed the literal commands of the Torah, "while the Pharisees through a series of limitations made the death penalty practically impossible."[30] Thus the position of the Sadducees was throughout one of the greatest conservatism, they confined the religious life to its earlier forms and manifestations and they rejected the reinterpretations of that older law by which the scribes adjusted it to the changing circumstances of their own day. This attitude is to be seen also in the realm of haggada—the Sadducees never accepted the doctrine of the resurrection [31] since no word of it is to be found in the law of Moses.[32]

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[23] Klausner, *Jews of Nazareth,* pp. 219-21, has a convenient collection of a number of these Sadducean traditions. A fuller discussion of the more significant of them is to be found in Leszynsky, *Die Sadduzäer,* ch. 2.

[24] See Josephus *Antt.* XIII, 10, 6, and the examination of the Sadducean traditions by Leszynsky, *op. cit.*

[25] See Moore, Vol. 1, p. 279f.

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[26] See Leszynsky, *op. cit.*, pp. 67-69.

[27] See Klausner, *op. cit.*, pp. 219-20.

[27a] Shabbeth 16b, *cf.* Finkelstein, *op. cit.*, p. 212.

[28] *Antt.* XX, 9, 1; *cf.* XIII, 10, 6.

[29] See Strack-Billerbeck, *Kommentar zum Neuen Testament aus Talmud und Midrasch,* Vol. 1, p. 340 (hereafter cited as Strack-Billerbeck, Vol. 1, or S-B, Vol. 1); Kohler, Jewish Encyclopedia (hereafter cited as J. E.), Vol. ix, p. 662; Klausner, *op. cit.*, p. 220.

[30] Leszynsky, *Die Sadduzäer,* p. 78.

The Maccabeean Revolt settled the fact that the law of Moses was mandatory upon every loyal Jew, but the conflict between the Pharisees and the Sadducees as to what constituted that law continued for well over a century. The conflict ended in the complete victory of the Pharisees. Though the New Testament shows that during the procuratorship of Pontius Pilate the Sadducees were still active in the propagation of their views [33] and were prominent in the Sanhedrin,[34] it is clear from Josephus, the Gospels and the Talmud that the Pharisees had the complete leadership of the nation's life and thought by the beginning of the Christian era. We can see three stages in this elimination of the Sadducees. When, on the death of Alexander Jannaeus, Alexandra came to the throne, she established as law the ordinances which the party of the Pharisees received from their tradition.[35] The second stage shows the Pharisees in complete control of the religious life of the people. Speaking of their popular influence, Josephus says plainly, "Whatsoever they [the people] do about divine worship or prayers or sacrifices, they perform according to their direction." [36] Indeed, so complete was this control that when the Sadducees attained public office we are told, "they addict themselves to the notions of the Pharisees, because the people would not otherwise put up with them."[37] The third stage is represented by the Mishna. The Sadducees are now ruled out of Judaism entirely and declared to be heretics.[38] Judaism has become identical with Pharisaism.

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[31] Mk. xii, 18-27; Acts xxiii, 8. *Bell. Jud.* XL. 8, 14; *Antt.* XVIII, 1, 4.

[32] Leszynsky, *op. cit.*, p. 119, sketches the rise of the two parties in the following terms: After the Maccabeean Revolt there was national unity in adherence to the law. But how was the law to be kept? "Die Frommen blieben bei dem, was sie vorher schon getan, was sie von ihren Vätern gesehen, aber es gab eine andere Partei, die weiter ging. So wie alles Unglück der Hellenistenzeit daher rühre, dass man die Tora übertreten habe, folgerte man, ebenso gerät man auch jetzt in die Gefahr den Willen Gottes zu übertreten, wenn man wiederum Gebräuche, von denen was göttliche Gesetz nichts weiss. . . . Einzig und allein im Gesetz hat Gott seinen Willen geoffenbart; was dort nicht steht, ist gegen sein Gebot; und die Chasidäer, die ähnlich den Hellenisten nichtsinaitische Lehren verbreiten, sind Neueres, Gesetzesübertreter. Das war der Standpunkt der zadokitischen Priester, die ja von Beruf Kenner des Gesetzes waren, und nun ihre Anhänger zur sadduzäischen Partei zusammenschlossen."

The difference between this interpretation and the one presented in the text is only that it seems to suggest that the Sadduceean movement was an ultra-pietistic protest. One need not deny the sincerity of the Sadduceean priesthood—see the stories in Josephus of priestly fidelity to the ritual in spite of the greatest personal risk. But it seems to the present writer that the position which they adopted as to the law is to be regarded as the theological expression of a religious and social conservatism in protest against the views of a new class of religious leaders. The Chasidim and Pharisees were certainly the pietists.

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[33] Mk., xii, 18.

[34] Acts, v, 17. *Cf.* ver. 21, and v, 27, 34, 41. See also the fact that Ananus, high priest in 61 or 62 A.D., was a Sadducee: Josephus, *Antt.* XX, 9, 1.

[35] Josephus, *Antt.* XIII, 16, 2; *cf. Bell. Jud.* 1, 5, 2.

[36] *Antt.* XVIII, 1, 3.

This complete elimination of the Sadducees did not take place until after 70 A.D. as the references to the Book of Acts just given show. But it is clear that at no time after the beginning of the first century A.D. can they have been of any real influence with the people. Klausner remarks, "The very fact that no indubitably Sadduceean document survives in Judaism is proof enough that this party had no deep roots in the nation."[39] As early as the account of the reign of John Hyrcanus, Josephus states that "the Sadducees influence none but the rich and have not the populace on their side,"[40] and this must have become more and more true with the passage of time. The Gospels corroborate this presentation. There is only one dependable reference to the Sadducees in the whole story of Jesus' life and that is at the close of his career in a scene in the temple court in Jerusalem.[41] On the other hand the Pharisees are constantly around him, present in the synagogues, keenly interested in the views of this popular teacher. Quite significant also are the words attributed to Jesus, "The scribes and Pharisees sit on Moses' seat, all things therefore whatsoever they bid you do and observe." Though some scribes were no doubt Sadduceean, it is the Pharisees who are named as the teachers and religious guides of the people, and this in documents with a distinct anti-Pharisaic bias. It is clear then that the conception of the law with which we shall be primarily interested will be that of the party of the Pharisees. A more detailed exposition of their views is therefore in order.

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[37] *Antt.* XVIII, 1, 4. For other references to Pharisaic influence with the people, see *Antt.* XIII, 10, 6, and XVII, 2, 4.

[38] Sanhedrin, x, 1; Tos. Sanh., xiii, 4.

[39] *Op. cit.,* pp. 216-17.

[40] *Antt.* XIII, 10, 6.

## THE PHARISAIC DOCTRINE OF THE TORAH

"The foundation of Judaism is the belief that religion is revealed. What man is to believe concerning God and what duty God requires of man, he has made known in one form or another by revelation."[42] This basic doctrine of Judaism is comprehended under the inclusive term *Torah.*

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[41] Mk. xii, 18, and the parallel passages. Mt. xvi, 6 (with verses 11 and 12) is to be corrected by comparison with the parallel accounts in Mk. viii, 15 and Lk. xii, 1. Mt. xvi, 1 can be corrected by comparison with the Lucan form (Lk. xi, 29) and with the doublet, Mt. xii, 38f = Mk. viii, 11f. In the light of these two cases the wording of Luke's introduction to the preaching of John the Baptist (Lk. iii, 7) is to be preferred to that of Mt. (iii, 7).

The high priests, who were Sadducees, are referred to in the gospels, but not under their party designation.

The Hebrew word תּוֹרָה in its literal sense means "instruction" or "teaching," coming from the root יָרָה, "to shoot," "point out." It is used frequently in the Old Testament of instruction given by parents or by other men, as for example in the familiar verse, "My son, hear the instruction of thy father and forget not the teaching [תּוֹרַת] of thy mother."[43] The prophets used the word to describe the message which the Lord had given them to utter: "Hear the word of the Lord, ye rulers of Sodom; give ear unto the Torah of our God, ye people of Gomorrah."[44] But the fundamental authority in Hebrew society was ancient custom,[45] and the basic principles of this consuetudinary law had been written down in the five books attributed to Moses. This written code, with its accompanying interpretative and supplementary tradition was the nation's rule of life. Other instruction and other messages might be Torah, the books of Moses were Ha-Torah, The Torah.[46] When in time these Hebrew Scriptures were translated into Greek, Ha-Torah was rendered by *ὁ νόμος* hence our English term, "the law." As several writers have pointed out, the use of this term is unfortunate,[47] for the Pentateuch contains much besides legal rulings or *halacha,* and there are extensions or developments of the Jewish doctrine of Torah which the word "law" tends rather to obscure. Hence it will be well to keep for the most part to the Hebrew term.

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[42] Moore vol. i, p. 112.

[43] Proverbs, i, 8. For further illustrations of this literal usage, see Prov., iii, 1; iv, 2; Ps. lxxviii, 1.

[44] Isaiah, i, 10. See also viii, 16.

[45] See 2 Sam. xiii, 12; Gen. xxxiv, 7; Haggai ii, 11.

[46] Dt. xxix, 20, ver. 21 in the English text; Josh. i, 8; 2 Kings xiv, 6, xxii, 8, 11.

That the Torah came from the hand of Moses was the unquestioned belief of every loyal Jew.[48] It was the foundation of Jewish orthodoxy, however, that this Torah was not his own but had been given to him by the God of Israel. The books themselves made this claim [49] and it was never doubted. The picture of that revelation in Sirach's praise of the ancient worthies is a very literal one:

> "Beloved of God and men
> Was Moses of happy memory . . .
> For his faithfulness and his meekness
> He (God) chose him out of all flesh,
> And caused him to hear his voice,
> And let him draw nigh unto the dark cloud;
> He placed in his hand the commandment,

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[47] Schechter, *Some Aspects of Rabbinic Theology,* p. 117, and Moore, vol. i, p. 263.

[48] Dt. i, 5; 1 Kings ii, 3; 2 Kings xxiii, 25; Sirach, xxiv, 23, xlv, 5.

[49] Ex. xx, 1; xxi, 1; Lev. i, 1; Nu. i, 1; Dt. iv, 5, etc.

> Even the Torah of life and discernment;
> That he might teach statutes unto Jacob,
> And his testimonies and judgments unto Israel." [50]

The Pseudo-Aristeas says plainly, "The law is holy and has been given by God." [51] Philo illustrates how firmly this conviction could maintain itself even in the mind of one who also followed Plato, "Only his [Moses'] decrees are everlasting and unchangeable and unshakable, as signed by nature herself with her seal." [52] In the Mishna this belief is basic. Aboth opens with the familiar words, "Moses received Torah from Sinai and delivered it to Joshua." In Gittin 60b it is said that the law book was handed to Moses by God, the only uncertainty being whether it was given all at once or in volumes.[53] Those "who deny that the law is from heaven have no part in the world to come." [54] To deny the divine character of a small portion is to be guilty. "Even if one said, 'the Torah is from God with the exception of this or that verse which Moses, not God, spake from his own mouth,' then applies to him [the judgment], 'The word of the Lord has he despised'—an irreverence which it is declared merits the extermination of that soul.[55] Nor were such words merely dogmatic asseverations. Josephus declares that it "is an instinct with every Jew from the day of his birth to regard them [the precepts of the Torah] as decrees of God,"[56] and of this we have a striking illustration: When Christianity separated from Judaism over the issue of the validity of the Torah, the two individuals chiefly responsible for the break were Stephen and Paul. Yet it is Stephen who speaks of Moses, the prophet "who received living oracles to give unto us" (*λόγια ζῶντα δοῦναι ἡμῖν*),[57] and Paul, the antinomian, enumerates among the advantages of the Jews the fact that to them were "intrusted the oracles of God" (*τὰ λόγια τοῦ θεοῦ*)[58] and declares that "the law is holy and the commandment holy and righteous and good."[59] (*ὁ μὲν νόμος ἅγιος καὶ ἡ ἐντολὴ ἁγία καὶ δικαία καὶ ἀγαθήδ,*)

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[50] Sirach xlv, 1-5, translation of W.O.E. Oesterley, *The Wisdom of Ben Sirach,* London, 1916.

[51] *Letter of Aristeas,* 313. Translation of H. St. John Thackeray, New York, Macmillan Co., 1918.

[52] *Vita Mosis* II, 3, 14.

[53] See Schürer, *The History of the Jewish People in the Time of Jesus Christ,* Div. II, Vol. 2, p. 307.

[54] Sanhd. x, 1; *cf.* Tos. Sanhd. xiii, 4.

The Torah thus having been given by God himself it followed in the minds of Jewish teachers that these principles and precepts were supramundane, pre-existent before the world, eternally binding. As early as the Book of Proverbs, the pre-existence of the Torah was affirmed and even its participation in the act of creation, the Torah being identified with the divine Wisdom. Wisdom declares of herself, "The Lord created me as the beginning of his way, first of his works of old. I was set up from everlasting, from the beginning, before the earth was." [60] When the Lord made the heavens and the earth, "then I was by him as a master workman." [61] These ideas are repeated by ben Sirach, who removes any possible doubt as to the identity of this pre-existent Wisdom: "All these things are the book of the covenant of God Most High, even the Law which Moses commanded." [62] These conceptions reappear in the rabbinic literature. In a Midrash on Deuteronomy we read, "The Law, because it is more highly prized than everything, was created before everything, as it is said . . . ," citing the above passage in Proverbs.[63] Genesis Rabbah I, 1, says, "God looked into the law and created the world." [64] In Pirke Aboth this thought is taken for granted and we are told that it is the great proof of God's love for Israel "that there was given to them the precious instrument whereby the world was created, as it is said (Prov. iv, 12,), For good doctrine I give you, forsake not my Torah."[65]

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[55] Sanhd. 99a.

[56] *δόγματα θεοῦ*. *Contra Apionem* i, 42.

[57] Acts vii, 38. It cannot be demonstrated, of course, that these are actual words of Stephen, but that the speech was not composed by the author of the Book of Acts, see McGiffert, *The Apostolic Age*, p. 89, note 1.

[58] Rom. iii, 2.

[59] Rom. vii, 12.

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[60] Prov. viii, 22, 25.

[61] Prov. viii, 27-30.

[62] Sirach xxiv, 23; *cf.* xxx, 20.

[63] Sifre on Dt. xi, 10. Quoted by Moore, Vol. I, p. 266.

[64] See Moore, Vol. I, p. 267.

It is obvious then that the authority of the Torah was of the most absolute sort. "To the end of time, I shall not cease," says the divine Wisdom which is the Torah in Sirach's eulogy.[66] The Book of Jubilees (of which Moore can write, "The Judaism of the book is unimpeachable"[67]), speaking of the prohibition of the eating of blood says, "And for this law there is no limit of days, for it is forever."[68] The same document declares that the ordinances of circumcision and the Sabbath are observed by the highest ranks of angels in heaven.[69] Enoch utters a warning couched in the terms, "Woe to them . . . who transgress the eternal law."[70] Josephus dramatically exclaims, "Robbed though we be of wealth, of cities, of all good things, our law at least remains immortal."[71] Philo, in a saying, part of which has already been quoted, is even more expressive, "The provisions of this law . . . remain in fixity from the day they were written until now, and for the future we expect them to abide through all time as immortal, so long as the sun and moon and the whole heaven and the world exist."[72]

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[65] Aboth iii, 18.

[66] Sirach xxiv, 9.

[67] Vol. I, p. 198.

[68] vi, 14.

[69] Jubilees, xv, 27 and ii, 18.

[70] xcix, 2.

[71] *Contra Apionem* ii, 272.

There is a saying in the Gospels attributed to Jesus which is so strongly suggested by this last quotation that one is moved to quote it at this point, even though it be part of the material to be examined later, "Verily I say unto you, until heaven and earth pass away, not one jot or one tittle of the law shall pass away until all be done."[73] As Moore remarks,[74] the rabbinic doctrine could not be better expressed. Not only does the thought occur repeatedly, but the same figure of speech is used. "A yod from thee will never pass away."[75] "The hooked part of a letter from thee Solomon shall not set aside."[76]

Such quotations, though perhaps tedious, are necessary to bring out the uncompromising fashion with which the authority of the Torah was regarded by the contemporaries of Jesus. But still another aspect of the doctrine, and one especially important for this study, remains to be mentioned. Not only was the Torah verbally inspired and eternally valid, it was exhaustive of the divine revelation. Nothing could be added to it. The scribes read in the text the words, "Ye shall not add unto the word which I command you, neither shall ye diminish from it, that ye may keep the commandments of YHWH your God,"[77] and they therefore declared that the revelation to Moses was final and complete. A Midrash on Deuteronomy says plainly, "No other Moses will come and bring another law for there is no law left in heaven."[78] The phrase in Leviticus, "These are the commandments which the Lord has commanded Moses for the children of Israel on Mt. Sinai," is repeatedly interpreted in this fashion, "These are the commandments," i.e., "there are no others."[79] This meant, of course, that the books of the Prophets and the Writings which by this time had been added to the canon of Scripture[80] said nothing new, but only illustrated, reaffirmed, and interpreted the revelation already given to Moses. Thus we find in Megillah 14a, "Forty-eight prophets and seven prophetesses have prophesied to Israel and have taken nothing from the law and added nothing to what is written in the law except the reading of the roll of Esther." Ultimately even this addition, namely, the requirement of the Feast of Purim, was found by a subtler exegesis to have been commanded in the Pentateuch.[81] The dogma was maintained similarly in the case of Ezekiel. That prophet seemed on a superficial reading to have given some most obviously different instructions concerning the age of the restoration than were read in the books of Moses. The rabbis even considered reserving the book lest the unlearned be made to stumble by these apparent discrepancies, until Hananiah ben Hezekiah, "supplied with three hundred jars of oil, sat in his study on the roof of his house until by a profounder exegesis he harmonised" the differences![82]

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[72] *Vita Mosis* II, 3, 14. [73] Mt. v, 18. [74] Vol. i, p. 269.

[75] Agadath Bereshith, 75 2(51a), see Strack-Billerbeck, Vol. I, p. 244, as in the case of the two succeeding citations.

[76] Rabbah Exodus 6 (72b). The reference to Solomon is explained by a passage in the Palestinian Talmud (Sanhd. ii, 20, c): "Who accused Solomon (on account of his violation of Dt. xvii, 16f, the prohibition of a plurality of wives)? R. Joshua ben Levi said, "The yod in the word ירבה R. Simeon ben Yohai taught: The book of Deuteronomy raised itself, threw itself before God and said, 'Lord of the world, thou hast written in thy Torah, That testament of which a portion has become invalid, the whole has become invalid! Behold Solomon seeks to nullify a yod of me!' (Dt. xvii, 16 says expressly of the king, 'He shall not multiply wives unto himself,' לא ירבה, but Solomon said לי ארבה, I shall multiply, etc.) Then answered God, 'Solomon and thousands of his kind will pass away, but a word of thine will not pass away.'"

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[77] Dt. iv, 2. See also Dt. xiii, 1 (xii, 32 in the English version).

[78] Rabbah Deut. viii, 6 cited by Schechter, *Some Aspects of Rabbinic Theology,* p. 134 and by Moore, Vol. I, p. 269, note 1.

[79] Shab. 104a, Megillah 3a, Yoma 80a.

[80] The presence of the collection of the Prophets in the canon is made clear by the Prologue to Ben Sirach and by passages in the Gospels; Mt. v, 17, vii, 12, xi, 13; Lk. xvi, 16, etc. For the Writings, note Mk. xii, 36 and parallels. Note also New Testament

This doctrine that the prophetic teachings had already been given on Mt. Sinai is not always

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quotations from the Psalms and Daniel as Scripture, Mt. iv, 6, xiii, 35, xxi, 42, xiv, 15, etc. The complete list of books belonging to the third collection had not, however, been finally determined. In Lk. xxiv, 44, the description runs, "The law of Moses and the prophets and the psalms."

[81] See Moore, Vol. I, p. 245, Strack-Billerbeck, Vol. I, p. 601.

[82] Moore, Vol. I, p. 247, citing Shabbath 13b and Menahot, 45a.

given in quite the same form. The fully developed conception seemed to be that the prophets were actually present at the time and received their messages. Thus the saying of R. Isaacs, quoted by Schechter, runs, "All that the prophets will reveal in succeeding generations had been received by them on Mt. Sinai." [83] The same writer quotes a further saying to the effect that the prophecy of Malachi was "already in his hands" (since the time of the Sinaitic revelation) and also a statement of the prophet Isaiah, "From the time that it [the Torah] was [revealed], I was there, but it is now that the Spirit of the Lord God has sent me." [84] On the other hand, the saying of R. Joshua ben Levi, "Moses uttered all the words of the prophets and his own; whatever has been said [by a later prophet] comes from the prophecy of Moses," [85] seems to have a slightly different view of the matter. But be that as it may, the belief that "the prophets formed only a complement or even a commentary to the Torah, a species of Haggadah," [86] is abundantly attested and is but the corollary of the doctrine of the perfection and completeness of the Mosaic Torah. Thus we find repeatedly in the New Testament writings passages from the prophets or the psalms quoted as coming from the law.[87] Such expressions are not due to tricks of the memory but to the fact that the Torah included prophets and psalms.[88] But all of this makes it quite clear that orthodox Judaism could conceive of no contribution to the religious thought of Israel which did not take the form of an interpretation of the Torah.[88a]

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[83] *Some Aspects of Rabbinic Theology,* p. 124.

[84] *Ibid.*

[85] Rabbah Ex. 42 (98d).

[86] Schechter, *Some Aspects of Rabbinic Theology,* p. 119.

The method of interpreting the sacred writings followed naturally from the above beliefs. On the one hand, we have seen how it was maintained that the words themselves, even the letters or portions of letters were divinely inspired. On the other hand, the presence of passages contradictory to each other, of social regulations no longer practicable and of anthropomorphic conceptions of God, made it possible to maintain the doctrine of the perfection and congruence of all portions of Scripture only by a mode of interpretation which drew from the text when necessary a meaning other than the plain sense of the words. Hence there resulted "an atomistic exegesis which interprets sentences, clauses, phrases and even single words independently of the context or the historical occasion, as divine oracles; combines them with other similarly detached utterances; and makes large use of analogy of expression, often by purely verbal associations."[89] An examination of any of the tractates of the Mishna or of pages of Strack-Billerbeck's *Kommentar* will furnish abundant illustrations of this method of exegesis. Thus the proper mode of reciting the Shema was deduced from the phrases of Dt. vi, 7. The School of Shammai pointed to the phrase, "when thou liest down and when thou riseth up," and declared that the morning Shema should be recited standing and the evening Shema sitting; while the School of Hillel with equal facility maintained, upon the basis of the words, "and when thou goest in thy way," that each individual was free to adopt the posture he wished.[90] The *lex talionis* as a literal command was abolished and pecuniary compensation substituted by an exegesis historically absurd but morally admirable: R. Dosetai ben Judah said that a literal application of "an eye for an eye" might be unjust, since the eye of the offender might be larger than the one he had injured; hence the meaning intended by the command was that the monetary value of an injured eye must be paid.[91] Simeon ben Yohai reached the same conclusion by pointing out that a blind man might knock out the eye of another. An even better illustration of this method of exegesis, however, is an interpretation by this same Simeon to prove the resurrection from the dead, taking as his proof text the words, "Dust thou art to dust thou shalt return" (Gen. iii, 19). "It does not say," he argued, "and to dust thou shalt go" (הלך) , but "to dust thou shalt return" (השוב) —i.e., the living man is dust, that he *returns* to dust indicates that he will live again![92] It is evident from these illustrations, which incidentally can be paralleled from the New Testament[93] and from Christian literature to the present day, that almost any desired moral or religious idea could be found in the text of the Torah provided the ingenuity of the exegete be sufficiently great. This fact is significant in two ways: In the first place, it is clear that the meaning of the Scriptures for the religious life of Judaism cannot be sought apart from the interpretation given to its various parts. We cannot cite merely the text without seeking the use to which it was put by the rabbis. And in the second place, one sees that such a method of interpretation gave to the scribes an instrument by which modification and development could be introduced into the unchangeable Torah. A procedure in which the subjective element obviously plays so strong a part may mean extreme conservatism or progress and growth in ethical and religious ideas. How such a tool is used depends on the individuals who use it. There is plenty of evidence—the last two illustrations cited are good cases in point—that in the hands of the rabbis the "atomistic exegesis" was a device by which progress was slowly achieved and the legal code of ancient Israel transformed in many respects in accordance with the more humane views and elevated religious conceptions of men like Hillel and Akiba.

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[87] John x, 34, xii, 34, xv, 25; Rom. iii, 19, I Cor. xiv, 21.

[88] *Cf.* a statement of Abrahams in another context: "Though the Law proper was thus elevated, it was partly because the Law in fact contained within itself the teachings of the Prophets and the Hagiographa," *Studies in Pharisaism and the Gospels,* 2nd Series, p. 125.

[88a] The Jewish doctrine of holiness, which supplemented in a practical way (but did not contradict) this doctrine of the perfection and finality of the Torah, is discussed in Ch. VI.

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[89] Moore, Vol. I, p. 248.

[90] Berakot, i, 3.

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[91] For this argument and the following one from Simeon ben Yohai, see Strack-Billerbeck, Vol. I, pp. 339-40.

[92] Rabbah Gen. 20 (14a).

[93] E.g. Gal. iv, 21f, Mk. xii, 26f, etc.

In dealing with the interpretation of the Torah we thus come to the second aspect of the Torah, the oral law. What was this law and what did it contain?

In the first place the oral law contained certain ancient customs which though not mentioned in the text of Scripture had behind them the binding authority of immemorial antiquity. "The whole revelation of God was not comprised in the sacred books. By the side of Scripture there had always gone an unwritten tradition, in part interpreting and applying the written Torah, in part supplementing it."[93a] Josephus speaks of how the Pharisees "have delivered to the people a great many traditional observances handed down from their fathers which are not written in the laws of Moses,"[94] and certain of these observances had come down from antiquity without any point of connection with the written Torah. An excellent illustration is the case of the synagogue. There is no mention of this fundamental institution in the Pentateuch nor in the later books added to the canon (unless Ps. lxxiv, 8, be such a reference), but the regulations concerning it are fully worked out in the oral tradition.[95]

In the second place the oral law contained the natural and inevitable expansion and interpretation of the older law—both written and oral—brought about by the endeavour to apply the law to the whole of life. Many of the laws were general and vague, and supplementary interpretative regulations were necessary for the guidance of the people. The classic instance of this is the development of the laws concerning the Sabbath, which in the Pentateuch are stated for the most part in very general terms.[96] In the oral law these are elaborated and the various types of labor constituting work carefully classified.[97] Furthermore conditions changed or new situations developed so that modifications of the law or interpretations as to its application were necessary. These interpretations or rulings, when agreed to by the majority, became part of the oral law. The destruction of the Temple, for example, necessitated a number of such decisions.[98] A more familiar illustration is the incident that took place during the Maccabeean Revolt when the pious Jews, having been attacked upon the Sabbath, allowed themselves to be slaughtered rather than break the law by fighting in their defence. Whereupon "they took counsel" and it was decided that it was lawful to fight upon the Sabbath in self-defence.[99] Other *halacha* of the oral law came about by

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[93a] Moore, Vol. I, p. 251.

[94] *Antt.* xiii, 10, 6.

[95] Tractate Megillah.

[96] Ex. xxxi, 14-17. Ex. xxxiv, 21 implies prohibition of agricultural labor; Ex. xxxv, 3 prohibits kindling a fire; Ex. xvi, 29 prohibits "going out" on the Sabbath which the rabbis interpreted

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as "going out with a burden" (see Shabbath i, 1). In the prophets trading on the Sabbath and bearing burdens are forbidden. See Amos viii, 5 and Jer. xvii, 19.

[97] Tractate Shabbath, especially vii, 2. It is evident that some of these regulations, such as the prohibitions of trading and carrying burdens on the Sabbath, had been inherited from the distant past (see note 96), and therefore were of the character of those decribed in the previous paragraph. The full classification of the thirty-nine classes of work, however, belongs clearly to the conscious elaboration and application of the Torah.

[98] Thus: "At first the palm-branch was carried (at the Feast of Tabernacles) seven days in the Temple but outside the Temple only on one day. After the Temple was destroyed R. Johanan ben Zakkai ordained that it should be carried seven days in memory of the Temple"—Sukkah, iii, 12.

[99] I Macc. xi, 39-41 and Josephus *Antt.* XII, 6, 2.

the study of the law itself, the comparison of precept with precept, in the course of which many things were discovered which were no part of existing custom or tradition. A third element constituting the oral law consisted of rulings or decrees by individuals or courts who at the time possessed the legislative authority. Probably we should list here the regulations supplementary to the Mosaic law designed to guard the law against violation. Thus the tailor was forbidden to go out of his house wearing his needle (the mark of his trade) when it began to get dark, lest on the eve of the Sabbath he forget and, by wearing it, be guilty of bearing a burden upon the Sabbath.[100] This was "making a fence for the Torah" (Aboth i, 1). Furthermore in times of crisis, the rabbis did not hesitate to suspend or set aside laws in the Torah. The decision to fight upon the Sabbath given above is in point. Hillel by a legal fiction set aside the regulations of Dt. xv, 1-3, by which all loans were cancelled every seventh year. Johanan ben Zakkai did away with the ordeal of jealousy in the years preceding the Jewish War because of the multitude of adulterers.[101] This "fence for the Torah" and such special edicts and decisions were in actual violation of Dt. iv, 2, "Ye shall not add unto the word which

[100] Shabb. i, 3.

[101] Moore, Vol. I, p. 260.

I command you nor shall ye take aught from it," but this was got over by other passages in the Torah which could be cited as warranting the new regulations. Thus "the fence for the Torah" was in obedience to the opening words of Lev. xviii, 30, which were interpreted, "Make an injunction additional to my injunction," and in the words of Dt. xvii, 11, enjoining obedience to the courts of each generation.[102] According to Moore, on occasions of extraordinary liberties of this kind, Ps. cxix, 126, was cited, but it was made to read, "It is time to do something for the Lord."[103]

Thus we see that there stood beside the written law an additional code handed on orally from one generation of teachers to another. This code came in part from the earliest times; it had the sanction of the great teachers of Judaism. Although much of it was related to and interpretative of the written law, not all was of this character. In view then of the doctrine of the perfection and finality of the revelation given to Moses, how was this law to be regarded? There could be but one answer: the oral law also had been revealed to Moses. God had given him laws and maxims additional to the written code as well as verbal explanations of the written law, and had commanded him not to record these teachings (this oral Torah) but to deliver them to the people by word of mouth.[104] Thus Aboth begins with the words, "Moses received Torah [i.e., both written and unwritten] from Sinai and delivered it to Joshua, and Joshua to the Elders, and the Elders to the Prophets, and the Prophets delivered it to the Men of the Great Synagogue."[105] By this unbroken stream of tradition the oral Torah had been transmitted to the scribes from its delivery on Mt. Sinai. According to Sifre on Dt. xi, 22, when God said to Moses, "If ye shall diligently keep all this commandment which I command you," he referred not only to the written Torah but to the commands of the oral law as well.[106] Rules of the tradition for which no text of Scripture could be found as support were called "Mosaic rule of law from Sinai."[107] Both Josephus and Philo declare that Moses himself established the institution of the synagogue, the regulations concerning which, it has already been noted, are found in the oral law only.[108] Judah Ha-Nasi inferred from Dt. xii, 21, that

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[102] *Cf.* J. Z. Lauterbach, Art. *Oral Law,* Jewish Encyclopedia, Vol. ix, p. 423.

[103] Vol. i, p. 259.

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[104] See Lauterbach *op. cit.* and the passages there cited.

[105] Pirke Aboth i, 1.

[106] Cited by Moore, Vol. I, p. 254 and p. 258.

[107] Eduyoth viii, 7; Yadamin iv, 3, etc.

[108] Josephus, *Contra Apionem* ii, 17. Philo, *Vita Mosis,* iii, 27 (ed. Mangey, p. 167f).

God taught to Moses orally the place and method of slaughtering the animals of the sacrifice.[109] Moses was alleged not only to have given the traditional law but to have ordained that it should be studied each part in connection with its proper season—the laws of the Passover at Passover, etc.[110] This Mosaic origin of the tradition was maintained even in some cases when the ruling was definitely known to have been promulgated by some later authority, it being declared that the decree in question, though given by Moses, had been forgotten and at the later date only revived.[111] Nevertheless, there are other statements which show that the rabbis realised acutely the difficulty of this doctrine. For one thing, would forty days have been sufficient for the revelation of all the rabbinical law?[112] Hence we find suggested in one midrashic commentary that God gave to Moses the full law in the sense that to him were revealed the basic principles and the rules by which these might be developed.[113] Such suggestions belong, however, to the realm of religious apologetics. The major interest was not to solve the problem of how the revelation took place but to affirm two fundamental beliefs: that the perfect and final revelation of religion had taken place on Mount Sinai, and that the oral law as well as the written was of divine authority.

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[109] Hul. 28a.

[110] See Moore, Vol. I, p. 297, note 3.

[111] *Cf.* Moore, Vol. I, p. 256. A curious variant of this is to be seen in Jubilees vi, 18f., where it is said the law of the Feast of Weeks was revealed to Noah, forgotten by Noah's sons, renewed by Abraham, Isaac and Jacob, again forgotten until it was revealed anew on Mt. Sinai.

[112] See the references in Lauterbach, *op. cit.*

[113] Ex. R. xli.

Specific assertions to this latter effect are numerous: "Say not, I will not fulfil the commands of the elders because they come not from the Torah; God says to such a one, Nay, my son, but all which they prescribe thou shalt do."[114] The decisions of the tribunal of the scribes are to be obeyed without question; if they involve a violation of one of the precepts of the Torah, the individual so obeying is free from blame, because he has obeyed the tribunal.[115] Indeed, it is even quoted in the name of R. Tanhum (cir. 300 A.D.) that "the words of the elders are more weighty than the words of the Prophets," and Dt. xiii, 2, is cited in support—that the prophets must authenticate themselves by signs and wonders before they are to be believed, while no such authentication is required of the elders.[117] More emphatic still we read in Sanhd. xi, 3, "It is more serious to offend against decrees of the scribes than against the decrees of the Law."[118]

This validity of the scribal rulings is presented in a very striking way in connection with another important rabbinic conception. The books of the canon were literally inspired because they were delivered by those prophets endowed with the Holy Spirit. But the Holy Spirit had departed and the age of revelation had ceased. There is difference of expression as to the occasion of the departure and as to its cause, but that prophecy was believed to have ceased is clear. "When the last prophets, Haggai, Zechariah and Malachi, died, the Holy Spirit ceased out of Israel; nevertheless it was granted to them to hear [communications from God] by means of a heavenly voice [*Bath Kol.*]."[119] On one occasion when the learned were gathered in Jericho a *Bath Kol* spoke, "There is here a man who is worthy that the Holy Spirit should rest upon him, but his generation is unworthy. All eyes were turned toward Hillel the Elder." The same is said of Samuel the Little who lived practically a century later.[120] I. Maccabees refers repeatedly to the cessation of prophecy.[121] Josephus makes

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[114] Pesik. R. 3 (7b). Quoted by Strack-Billerbeck, vol. i, p. 910.

[115] Hor. i, 1.

[117] Beracot, I, 3b, 58, Sanhd. Xi, 30b, 1.

[118] "Because, to decide a matter in opposition to the written law carries with it its own condemnation, whereas to oppose the oral

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tradition (of equal authority with the Law of Moses; see Pirke Aboth i, 1f.) does not to the same degree stand self-condemned; and is, therefore, the more pernicious"—so Danby in *Tractate Sanhedrin,* English translation, p. 138.

[119] Tos. Sotah 13, 2. *Cf.* Strack-Billerbeck, Vol. I, p. 127 and Moore, Vol. I, p. 421.

[120] Sotah 48b, Sanhd. 11a.

[121] ix, 27; iv, 46; xiv, 41. For an excellent discussion of the thought expressed in each of these passages, see Abrahams, *Studies,* Second Series, p. 121-2.

clear that the canon of Scripture was closed because it was believed that prophecy had ceased: "From Artaxerxes to our own time the complete history has been written, but has not been deemed worthy of equal credit with the earlier records because of the failure of the exact succession of the prophets." [122] But the clearest statement of this closing of the canon, obviously for this reason, is the reference to ben Sirach. "The books of ben Sirach and whatever books have been written since this time are not sacred scripture." [123]

From this material it is clear that the learned circles in Judaism felt that the gift of prophecy through the Holy Spirit had been withdrawn from Israel, so that one could look neither for new prophets nor for additions to the canon. Abrahams lists four reasons for this: (1) the old abuse of false prophets; (2) the nature of prophecy which makes it necessarily intermittent; (3) the degradation of prophecy into mere prediction; (4) and the fixation of the canon.[124] To this list we might add a fifth, although it was ultimately a result of the last named: the belief that the will of God was to be found revealed in the decisions of the scribal bodies. Two striking sayings will show this development: "R. Abdimi of Haifa said, From the day whereon the Temple was laid waste, prophecy was taken from the prophets and given to the scribes." [125] The second passage is even more instructive: The rabbis in council refused to accept the rulings of R. Eliezer ben Hyrcanus who lived toward the end of the first century A.D., and the latter worked three miracles to prove his contentions—a locust tree at a distance was plucked up, a watercourse ran backwards, and the walls of the schoolhouse bent forward. In each case, however, the scribes, R. Joshua b. Hananiah taking the lead, replied that the halacha was not to be proven by a locust tree, nor by a watercourse, nor by the walls of the schoolhouse. Then cried out Eliezer, "If the halacha is as I say, let the proof come from Heaven." Then there went forth a *Bath Kol* which said, ". . . The halacha is according to the interpretation of R. Eliezer." But R. Joshua stood on his feet and said, "Not in Heaven is the commandment." What did he mean when he said, "Not in Heaven is the commandment"? R. Jirmeja said, "The Torah was long since given on Mt. Sinai." We pay no attention to a *Bath Kol,* for long ago thou (God) from Mt. Sinai wrote in the Torah, Ex. xxiii, 2: "According to the multitude [majority] thou shalt regulate thyself." [126] The fact that the last verse is read in a peculiar and to our minds unjustifiable way, only shows the more strongly the rabbinic conviction on the subject.

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[122] *διὰ τὸ μὴ γενέσθαι τὴν τῶν προφητῶν ἀκριβῆ διαδοχήν. Contra Apionem* I, 41. (The translation is Thackeray's.)

[123] Tos. Yadaim ii, 13.

[124] *Studies,* 2nd series, Chap. 14.

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[125] Baba Batra 12a. Abrahams, citing this passage, remarks, "The Pharisees were certainly regarded as the successors of the prophets." (*Studies*, 2nd Series, p. 126.)

Thus it was believed that prophets had ceased from Israel and that the canon was closed. In the place of this mode of revealing his will, God had now given the Holy Spirit to the succession of the scribes. Their task was not to say in the prophetic manner, "Thus sayeth the Lord," but to expound and interpret the Torah already given or to recover rules given Moses on Sinai but forgotten by heedless generations. Such facts make clear how it could be said, "The scribes and Pharisees sit on Moses' seat. All things therefore whatsoever they bid you, these do and observe." [127] Not even a voice from heaven is to be obeyed if it be contrary to the rabbinic traditional teaching.[128]

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[126] B.M. 59b. Translated by Strack-Billerbeck, vol. i, pp. 127-8, cp. p. 741. For the rejection of miracles as proof of authority, see the passage quoted above, note 117. For the rejection of any prophecy which contradicts the Torah, *cf.* Tos. Sanhd. xiv, 13, "He who prophesies in order to abrogate anything of what is written in the Law is guilty."

[127] Mt. xxiii, 2, 3.

[128] There are a number of passages which speak of certain rabbis as having been endowed with prophetic powers and Strack-Billerbeck cite these as evidence that there were some circles in which

This oral law was a social creation. It was never allowed to become a matter of individual judgment. This aspect of the Torah is of fundamental importance for the understanding of Judaism. It was the source of its strength and of its weakness. In the first place, one who would become a scribe must study the Torah in association with other scribes. Pirke Aboth shows that from the beginning of the second century B.C., it was customary for "the wise" (the learned in the Torah) to meet together for study and discussion and that the efforts of individuals to discover the meaning of Torah by unaided study was looked upon with great disfavour. Jose ben Josezer of Zeredah said, "Let thy house be a place of meeting for the Wise, and dust thyself with the dust of their feet and drink in their words with thirst."[129] The maxim attributed to his contemporary Jose ben Johanan expresses the same idea, "Let thy house be

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the belief that the Holy Spirit had departed was not maintained (vol. ii, p. 128-9, 133, and vol. i, p. 528). It is to be noted that this possession of the Spirit seems due to their character as especially religious men. In one sense Pharisaism maintained that the Holy Spirit would never depart from Israel, i.e., in the sense of individual endowment with the divine spirit, making possible communion between man and God. (See Abrahams *Studies,* 2nd series, p. 127-8). But there is no indication in any of the quotations given by Strack-Billerbeck of an individual right to announce the will of God. That right was now in the hands of the body of the Scribes.

[129] Aboth i, 4. Jose ben Josezer belonged to the first "Pair," and his work is to be assigned to the period 200-160 B.C. (Herford, *Pirke Aboth,* p. 25).

opened wide," i.e., to the Wise.[130] The next two teachers mentioned are Joshua ben Perahiah and Nittai the Arbelite. Joshua ben Perahiah said, "Get thyself a Master [teacher] and take to thyself a fellow student,"[131] i.e., do not try to learn by yourself. Even more emphatic is the saying of R. Nehorai, "Betake thyself to a place of Torah and say not that it will come after thee, for thine associates will fulfil it through thee, and rely not upon thine own understanding."[132] Thus from the very beginning of the scribal movement it was insisted that if one would be a teacher he must gain his knowledge of Torah in the scribal schools.[133]

In the second place, the authority to declare the halacha was vested in no individual but in the whole body of the scribes. Schürer, speaking of the constant process of development going on in the oral law, says, "At each stage a distinction was always made between what was already valid and what was only discovered by the scientific inferences of the rabbis, between הֲלָכָה and דִין. Only the former was legally binding, the latter in and of itself not yet so. Not until the majority of the learned had decided in their favor were such tenets binding. . . . The majority was the decisive tribunal." [134] One indication of this fact has already been cited: "Thou [God] didst write long ago in the Torah from Mt. Sinai, According to the majority thou shalt regulate thyself." [135] A more familiar reference is the story of how the Shammaites, finding on one occasion that they outnumbered the School of Hillel, passed eighteen decrees on the one day.[136] Before the fall of Jerusalem we read of the Great Court in the Hewn Chamber on the Temple mount "whence the law goes out to all Israel." [137] True, we read of individual rabbis who decided the law,[138] but to quote Schürer again, "it was always assumed that the decision of the individual agreed with the decision of the majority of all the teachers of the law and was accepted by them." [139]

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[130] Aboth i, 5. For the interpretation of the phrase, *cf.* Herford, *op. cit.*, p. 25.

[131] Aboth i, 6.

[132] Aboth iv, 18.

[133] That such schools had been in existence from the third century B.C., *cf.* Klausner, *op. cit.*, p. 194 and Moore, vol. i, pp. 311-13.

In the third place, it must not be forgotten that this "law which went out to all Israel" was essentially a tradition received from the fathers. It was not the untrammelled creation of each

[134] Schürer, *op. cit.,* Div. II, vol. i, p. 334.

[135] B.M. 59b.

[136] Shabb. i, 4.

[137] Sanhd. xi, 2.

[138] E.g., Sukkah iii, 12, "After the Temple was destroyed, R. Johanan ben Zakkai ordained that it (the palm branch) should be carried seven days."

[139] Div. II, vol. i, p. 323. Sanhd. xi, 2 brings out this seat of authority very clearly in the regulations concerning "the elder who defies the court." Cp. also the case cited by Schürer, *op. cit.,* p. 323, of R. Joshua who had to agree to a decision of Rabban Gamaliel II and his court. (Rosh ha-Shanah ii, 9.)

generation of scholars. The social judgment referred to above involved that of previous generations of scholars as well. Most of the Talmudic material cited thus far bears witness to this fact. "Moses received the Torah from Sinai and delivered it to Joshua, and Joshua to the Elders and the Elders to the Prophets and the Prophets delivered it to the Men of the Great Synagogue," and the survivors of the Great Synagogue passed on the tradition to scribes who in their turn transmitted it to their disciples. Thus, though the tradition in the course of its history is developed and applied by each generation of scholars, it is a process in which the primary fact is the accurate acceptance of the ancient tradition and the secondary fact its modification in accord with changed moral and religious ideas. This was its strength and its weakness. The religion of the Pharisees of the period under discussion represented a social judgment which included not only all the scholars of each period but those of previous generations as well. One result of such a system of thought was that it was able to stand the strain of even so great a calamity as the destruction of the holy city and the scattering of the nation. Another result was that it condemned the individual who trusted his own conscience over against the decisions of the majority. R. Eleazar the Modiite said, "He who profanes holy things and despises the festivals and shames his associates in public . . . and gives interpretations not according to halacha, even though he possess Torah and good deeds, he has no portion in the world to come." [140]

## ATTITUDE TOWARD THE TORAH OF SPECIAL GROUPS OR TENDENCIES WITHIN FIRST CENTURY JUDAISM

So much for the orthodox view of the Torah on the basis of which the religious and social structure of Judaism was erected. But there were other groups and other streams of thought in Palestine in the first century besides this "normative Judaism." Even within the ranks of the scribes a cleavage appears. It was a period of spiritual unrest and dissatisfaction as well as political ferment. The old statements and definitions no longer sufficed for many individuals and groups. "A condition of things existed which in many respects was very different from anything which has existed since. Moreover, there was less homogeneity of conditions than afterwards." [141] Exclusive of the prophetic revival which began with John the Baptist and led to the Christian movement, we may discern four tendencies or movements, a knowledge of which is essential for any understanding of the spirit of the times.

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[140] Aboth iii, 15.

[141] Montefiore, *The Synoptic Gospels,* 2nd ed., Vol. I, p. ci.

In the first place, there arose a movement within the body of the scribes to modify in the direction of a more humane and lenient spirit many of the accepted interpretations of the law. Hand in hand with this, it laid emphasis on the deduction of the halacha from Scripture as against seeking it primarily in the tradition, a fact not surprising in the light of what has been said. This movement is known to us in the form of a bitter conflict between two schools of scribes, the House of Hillel against the House of Shammai.

Hillel and Shammai were contemporaries during the reign of Herod the Great. The one was a Babylonian, the other a native Judean. The differences between them divided their respective followers and for the best part of a century threatened the disruption of the nation. The basic issues were the ones mentioned. In the first place Hillel, having been reared away from the fountain head of tradition, tended to arrive at the correct halacha by an exegesis of Scripture according to certain set rules. Shammai and his followers on the other hand were content to rely upon the tradition. The story of Hillel and the Elders of Bathyra illustrates these two opposing viewpoints. Hillel, as a disciple of Shemaiah and Abtalion, was consulted on a disputed point of the ritual. He undertook to settle the matter by various arguments, but reasoned with them all day without success. They only exclaimed contemptuously, "How could we expect anything of a Babylonian!" At last, growing tired of argument, he said, "Thus I heard it from Shemaiah and Abtalion," whereupon they arose and elected him their president.[142] To Hillel was attributed the formulation of the first set of rules, seven in number, defining the regular and approved method for expounding and applying the text of Scripture.[143] His influence along these lines evidently was far-reaching. Before his day there seems to have been no systematic attempt to rest the oral law upon the written, though it was always assumed that the two phases of the one Torah were in entire agreement. But after Hillel's day we get indications of a number of such efforts. Akiba, for instance, is said to have found in the written law by great ingenuity many of the rules for which previously there had been only the traditional authority of Moses from Sinai.[144] The latter's contemporary, R. Ishmael, increased Hillel's seven rules to thirteen.[145] Later Jewish literature, the Tannaitic Midrash, exhibits constantly this endeavour to derive the rules of the traditional law from the written text.[146]

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[142] Jer. Pesahim 33a and elsewhere. Quoted by Moore, Vol. I, p. 78f.

[143] Tos. Sanhd. vii, 11.

[144] Menahoth 29b.

The second difference between the School of Hillel and that of Shammai followed from the above. "In the interpretation and application of the laws, Shammai was nearly always more stringent than Hillel, and that not merely from a harsher disposition but in consequence of his traditional principle. It has been remarked above that what has been called the old halacha whether exemplified in the schools or the sects was in general stricter than that which eventually prevailed. In this sphere Shammai was conservative of the letter of tradition and developed its consequences in the same spirit.[147] Illustrations of this difference in spirit between the two leaders and their followers are numerous. Shammai was severe and rigorous toward proselytes, requiring of them in advance full acceptance of the oral law, while Hillel was lenient.[148] When at the time of the Feast of

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[145] Prefixed to the *Sifra*.

[146] Pharisaism thus virtually adopted in the end the method or principle of the old Sadduceean party, though with such difference of application as to secure acceptance of its oral traditions. *Cf.* Leszynsky, *op. cit.,* p. 141, "Das rabbinische Judentum ist in der Tat eine Synthese von Pharisäertum und Sadduzäertum."

[147] Moore, Vol. I, p. 79.

[148] See the material collected by Strack-Billerbeck, vol. i, p. 930.

Tabernacles the daughter-in-law of Shammai bore a son, though the mother was not bound by the laws concerning Tabernacles, Shammai "broke the roof and built a booth over the bed for the sake of the child," i.e., that the child might obey the law by lying in a booth.[149] On the question of the fate of the great majority of people, who are neither totally righteous nor totally wicked, the School of Shammai held that they must first suffer a purgatorial punishment, while the School of Hillel taught that God would incline the balance in their cases to the side of mercy.[150] The School of Shammai condemned all conventional lies, compliments at weddings, and the like, whereas the School of Hillel conceded that it was proper to make oneself agreeable in such innocent fashion.[151] According to Moore there are over three hundred such conflicting deliverances of the two schools recorded in one connection or other in the Talmud.[152] Of the bitterness of feeling involved Abrahams is able to write, "It is clear enough that there was an acute struggle sometimes amounting to physical violence." [153]

Perhaps we should associate with this School

[149] Sotah ii, 8, cited by Klausner, *op. cit.*, p. 227.

[150] Tos. Sanhd. xiii, 3.

[151] Moore, Vol. II, p. 189, citing Ketubot 17a.

[152] Vol. I, p. 80f.

[153] *Studies*, 2nd Series, p. 12.

of Hillel another tendency, the importance of which will be evident later, namely, a disposition to seek for some unifying or basic principle behind the many commands of the Torah. This disposition is evident in a series of sayings of great moral worth defining the chief commandment of the Law. The first of these is the familiar formulation of the Golden Rule by Hillel in answer to a proselyte whom Shammai had driven away. Subsequent summaries of the law are found in sayings of Akiba, Ben Azzai, and Simlai.[153a] Of these summaries more shall be said later; for the present it is sufficient to point out that questions as to the chief commandment were being asked and that some scribes, following the lead of Hillel, were attempting to answer the question.

Now it is important to observe that during the lifetime of Jesus it is very probable that the Shammaites were in the majority, which is to say that the more severe and rigorous regulations of earlier days were still in force. So far as the present writer knows this cannot be proved, but the following facts point very strongly in that direction. Previous to 70 A.D. the controversy is very bitter and on one occasion at least we know that the Shammaites were able to outvote their opponents.[154] After 70 A.D., but only after that date, is there evidence of the supremacy of the School of Hillel. It was at Jabne that the voice from heaven was heard, "The teachings of both schools are words of the Living God but the halacha is according to the School of Hillel." [155] Apparently, then, during the life of Jesus the party of Hillel was not yet in control. The significance of this is obvious. It means that an active and rapidly growing party within the ranks of the scholars was at the time in vigorous protest against the currently accepted interpretation of the Torah, though it did not question the view of revelation which the doctrine of the Torah expressed. Furthermore it reminds us that we must expect diversity and difference of opinion among the teachers on many points. And, in the third place, it means that many of the rulings now found in the Talmud which were due to the School of Hillel were not yet established as the authoritative halacha.

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[153a] See Abrahams, *Studies* (1st Series) Ch. II.

A second factor of fundamental importance for the understanding of the situation in Jesus' day was the presence in Palestine of a number of sects or societies seeking a higher righteousness than they felt normative Judaism expressed. To understand the actual situation which Jesus faced we must ask the attitude of these sects toward the Torah as well as that of the official scribes. The Talmud mentions a number of such groups, all of them clearly composed of extreme pietists, the *Zenu'im* (the Chaste Ones), the *Kesherim* (the Blameless Ones), the *Watikim* (Men of Firm Principles), the *Banna'im* (Builders), etc.[156] Concerning these groups—most of which probably were tendencies or types within Pharisaism rather than definite organisations— we have little information. Kohler draws the conclusion that they were very similar to or identical with the Essenes. Whether his judgment be correct in each case one may doubt, but certainly there were a number of sects in existence in the second century and probably in the first, some of which seem to have been considerably like the Essene communities. Philo has given a description of the *Therapeutæ* found, he says, "in many places . . . though the greatest number is in Egypt," which shows that this sect with the exception of its admission of women was similar in type to the Essenes,[157] so much so, in fact, that it has been suggested that it had branched off from the Essene brotherhoods.[158] Josephus indicates that the Essenes were typical of a number of similar communities in two ways: On the one hand he states that there were different varieties of Essenes,[159] a point which Pfleiderer felt to be clearly indicated by the descriptions we have of them and to be essential for the understanding of the data.[160] On the other hand Josephus specifically refers to the resemblance between the Essenes and one other group called the *Dacæ* or *Polistæ*.[161] Kohler speaks of a group in Jerusalem which "existed down to the second century by the name of The Holy Congregation, which insisted on each member practising a trade, and devoting one-third of the day to the study of the Torah, a third to devotion and a third to work —probably a survival of an Essene community." [162] The *Watikim,* mentioned above, who had certain ancient traditions "and placed their own custom above the universally accepted halacha," were identified with the Essenes by Müller.[163] The attitude of these Essene communities to the Torah is important, therefore, both on account of their own numbers and reputation and because of the probability that we should regard Essenism as typical of a number of similar and perhaps related endeavours after righteousness.

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[154] See the story of the eighteen decrees passed in the upper chamber of Hananiah, Shabbath, i, 4.

[155] Jer. Berakot i, 3b, Erubin 13b. On the whole point, *cf.* Moore, vol. i, p. 81, "It seems that in the middle decades of the first century the Shammaites were the more numerous as well as the more aggressive, and it was perhaps only after the fall of Jerusalem that the Hillelites gained the ascendency."

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[156] See J. E., Vol. V, pp. 224ff, where Kohler discusses the relation of these sects to Essenism.

[157] *De Vita Contemplativa,* 1ff.

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[158] Art. *Therapeutae* in J. E., Vol. XII, p. 138.

[159] *Bell. Jud.* II, 8, 13.

[160] *Primitive Christianity,* Eng. Trans., Vol. III, p. 13.

[161] *Antt.* XVIII, 1, 6.

[162] Kohler, *op. cit.,* p. 225.

[163] *Masseket Soferim,* 1878, p. 257; cited by Kohler, *op. cit.*

The Essenes are the historical enigma of Judaism and into the vexed question of their origin I shall not venture. Jewish writers have shown a disposition to explain them entirely on Jewish grounds. Thus Kohler gives the definition, "The Essenes are a branch of the Pharisees who conformed to the most rigid rules of Levitical purity while aspiring to the highest degree of holiness." [164] But there are features of their thought and praxis which seem to point to non-Jewish influences for their explanation.[165] But whatever their origin, we have to do in the first century with a sect within Judaism, sending their offerings to the Temple, and revered by loyal and orthodox Jews. Foreign influences may be sought for their explanation, but by this period they lie in the sub-strata, sub-strata now overlaid and conditioned by Jewish piety and devotion.

[164] J. E., Vol. V, p. 224. See also Klausner, p. 210, "Pharisaism was *Hasidism* living at large among the people, trying to subjugate politics to religion, and adapting religion to life; Essenism was *Hasidism* isolated, set apart from the world." Note also similar expressions from Schürer and Renan quoted on the same page.

[165] *Cf.* the summary of Moffatt, Hastings *Encycl. of Religion and Ethics,* Vol. V, p. 400f.

The testimony of our two major authorities, Josephus and Philo, makes it clear that the sect had no critical attitude toward the Torah. On the contrary, they had an extreme veneration for the person of Moses: "What they most of all honour after God himself is the name of their legislator Moses, whom if one blaspheme he is put to death."[166] In the Roman war they suffered all sorts of tortures rather than "eat what was forbidden them or blaspheme their legislator."[167] They spent much of their time studying "the laws of their fathers," especially on the Sabbath.[168] "Moreover they are stricter than any other Jews in resting from their labours on the seventh day," says Josephus, and proceeds with illustrations of their scruples,[169] a statement corroborated by Philo.[170] They were most careful as to what food they ate, and avoided contact with those who were not ceremonially pure.[171] Finally it must be recalled that they were admired and honoured by such devout "sons of the Torah" as Josephus and Philo. Nor was this admiration simply personal predilection; in a fragment from the lost work of Philo, his *Apology for the Jews* preserved in Eusebius, we are told that they were held in honour by "mighty kings [probably Herod, *cf. Antt.* XV, 10, 4f] as well as by ordinary men," [172] while this general approval is the implication of Josephus' treatment throughout.

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[166] *Bell. Jud.* II, 8, 9.

[167] *Ibid.* § 10.

[168] Philo, *Quod Omnis Probus Liber,* 12.

[169] *Bell. Jud.* II, 8, 9.

[170] Philo, *op. cit.,* third paragraph.

[171] See above, note 167. *Cf. Bell. Jud.* II, 8, 10, "If the seniors are touched by the juniors, they must wash themselves as if they had been defiled by touching a foreigner."

Thus the evidence seems conclusive that they professed a loyal devotion to the Torah. There are, however, certain other phases of their thought. They possessed certain esoteric books which the novitiate swore not to divulge.[173] More important, they had their own special way of interpreting the Scriptures. Philo describes their study of the law on the Sabbath in the following words, "One takes up the holy book and reads aloud. Another one from the many learned comes forward and explains whatever may not have been understood—for following their ancient traditions they obtain their philosophy by means of allegorical interpretations." [174] Thus it appears—in the light of their veneration for Moses and devotion to the law—that whatever in their system differed from the usual rabbinic conceptions, they justified by the familiar expedient of a peculiar interpretation of the text, one which in their case was transmitted by a tradition within the sect. I would suggest that this be connected with another fact. Philo says, repeating what must have been their own claim, "Our lawgiver Moses has trained thousands of disciples who . . . are called Essæi."[175] It thus seems likely that they claimed for themselves, that is for their special views, the direct authority of Moses. If this be so, their peculiar interpretation was evidently based on an "oral law" of their own which they claimed to go back to Moses, a claim analogous to that which the scribes made for the traditional law.

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[172] *Praeparatio Evang.* viii, 1. [173] *Bell. Jud.* II, 8, 7.

[174] *Quod Omnis Probus Liber,* 12: Τὰ γὰρ πλεῖστα διὰ συμβόλων ἀρχαιοτρόπῳ ζηλώσει παρ' αὐτοῖς φιλοσοφεῖται.

It is in the light of these facts that we must consider the statements in both Philo and Josephus that the Essenes refused to offer animal sacrifices in the Temple.[176] These passages have received varied treatment at the hand of scholars, the range extending from the view of Leszynsky that they do not mean that the Essenes did not offer such sacrifices but only that their ministry to God was a different type from that of the priests,[177] to that of Suffrin that "their rejection of animal sacrifices removes them considerably from Palestinian Judaism in which the sacrificial cult was everything." [178] The passage in Josephus, however, seems to clear up any ambiguity which might attach to the words of Philo, and we must assume that the Essenes did not give animal sacrifices in the Temple. But I do not think that this takes us to the extreme view expressed by Suffrin. There are three basic facts which we must keep in mind: (1) the evidence given above that the Essenes had the most extravagant veneration for Moses and his law; (2) that they were regarded as most pious individuals by representatives of Pharisaism; (3) that the sacrificial system was not compulsory upon individual Jews—the great majority who lived at a distance from Jerusalem made only occasional use of the sacrificial system if at all.[179] The fact that the Essenes did not make animal sacrifices would by no means eliminate them from the ranks of Judaism. In the light of these facts we have two possible explanations of the Essene position, that is, if one take the passage under question in the usual way: either the Essenes rejected animal sacrifices on principle and interpreted the precepts in the law concerning them in a figurative or allegorical fashion, maintaining thus that Moses did not command such bloody offerings; or secondly, that they regarded such sacrifices as permissible but as a less worthy form of service to God than certain modes of their own. This second possibility certainly seems borne out by the wording of both passages.[180] But on either alternative, while we have in the Essenes a judgment of value concerning animal sacrifices which reminds one of the Old Testament prophets, we have no new or different conception of the Torah as such. They found the revelation of God's will in the law of Moses, as did the scribes, and the whole duty of man was to interpret it correctly and obey its precepts.[181]

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[175] Philo in Eusebius *Praeparatio Evang.* viii, 8. *Cf.* Pliny, H. N., v, 17, "the race has lasted in this way for thousands of ages, though no one is born in it."

[176] *Quod Omnis* etc. 12, opening lines and *Antt.* xviii, 1, 5.

[177] Leszynsky, *Die Sadduzäer,* p. 150f.

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[178] Suffrin, Hastings, *Encycl. of Rel. and Ethics,* Vol. II, p. 99.

[179] See Moore, Vol. I, p. 499. "Offerings of this kind, and indeed private piacula were ordinarily practicable only for residents of Jerusalem and its vicinity. The vast majority of Jews, dispersed as they were over the face of the earth, never had opportunity to make such sacrifices, even by proxy; while the inhabitants of the more distant parts of Palestine who resorted in numbers to the Holy City at the festivals, could make but infrequent use of all the sacrificial purifications and expiations provided in the Law."

Similar to these Essene endeavours to achieve in communities to themselves a more perfect righteousness than normal Jewish life afforded was the effort of another sect or party whose views have been preserved in one of their own writings, the Zadokite party of Damascus. This sect is of especial interest for the reason that, unlike the Essenes, it came into direct conflict with the official leaders of Judaism. With the content of the religious and ethical ideal of the Zadokites we are not primarily concerned at this point—it stressed repentance as did John the Baptiser;[182] it maintained a high ethical standard as did Essenism and the Christian movement,[183] it urged the strictest sort of obedience to the laws of the Sabbath and of the festivals,[184] it maintained certain ideals of ceremonial purity both as to the Temple cultus at Jerusalem and the levitical purity of individuals,[185] it had its own legal rulings on many disputed points of the oral law.[186] In all this we see certain of the same elements as were found in the Essene movement, a desire for righteousness expressing itself through an exaggerated attention to certain matters of the cultus, an emphatic demand for ethical living, and a separation from the body of Judaism. Their document makes quite clear the attitude toward the law which the sect maintained. They affirmed along with the official teachers that the Mosaic revelation was final. The troubles of Israel, they declared, were due to the fact of "rebellion against the commandments of God through Moses."[187] Reformation of an individual is described as a "return to the Law of Moses with all his heart and all his soul."[188] The belief that "in the law of Moses all things are accurately treated" is specifically stated.[189] What then was their criticism of the priests and scribes? This, that these leaders who professed obedience to the law did not keep it according to its true interpretation. This knowledge of the true meaning was the possession of their sect. "God remembered the covenant with the forefathers and He raised up from Aaron men of understanding, and from Israel wise men; and He made them to harken and they digged the well. . . . The well is the Law and they who digged it are the penitents of Israel who went forth out of Judah and adjourned in the land of Damascus."[190] Accordingly, the ideal of the party is that men "observe to do according to the true meaning of the law" which had been given by the founder and lawgiver of the sect.[191] Some of these peculiar interpretations are preserved in our document. Like the halacha in the Book of Jubilees the rulings of the sect are on the whole more severe than the corresponding regulations of the Talmud, though Moore states that the differences are "not wider than existed between great legal lights of the first and second centuries."[192] The importance of this Zadokite community for the purpose of this study does not lie in any likelihood of contact between Jesus and members of the sect, as in the case of the Essenes, but rather as furnishing an example of the manner in which a schismatic or reform movement within Judaism would almost inevitably formulate its claims. It affirmed the validity of the Mosaic revelation and set itself to give its correct interpretation.

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[180] *Cf.* Pfleiderer, *Primitive Christianity,* Vol. III, p. 12.

[181] It is possible that they regarded their esoteric books as containing a supplementary revelation. Philo's words above about their traditional allegorical interpretations suggest, however, that we should seek such supplementary guidance as the sect needed in this direction. The esoteric books may have been of an historical nature, or like the Zadokite Fragment have contained a record of some of their traditional rulings, or have resembled, as often suggested, our apocalyptic books. There is nothing in our sources which suggests that they regarded them as canonical.

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[182] ii, 3; ix, 50-4, and note the name they applied to themselves, "the penitents," vi, 1.

[183] See the commands in viii, 17ff. "To love everyone his brother as himself, and to strengthen the hand of the poor and the needy, and the stranger, and to seek everyone the peace of his brother."

[184] viii, 15; xiii, 1-27; xiv, 6.

[185] viii, 11, 12, 14; xii, 1-2; xiv, 12-16; xv, 1-3.

[186] See from x to the end of the document.

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[187] viii, 2.

[188] xix, 11. *Cf.* ver. 14 and 9.

[189] xix, 14.

[190] viii, 2-6.

The third movement or tendency was the turning of the minds of many devout and loyal individuals during the period toward eschatological hopes and speculations, though this tendency was not, of course, confined to the first century. Into the questions of the authorship of the apocalyptic books or the extent to which the ideas they contained were countenanced by the official teachers we need not go. Certainly they were widely entertained. The books of the

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[191] viii, 9-12, *Cf.* ix, 6-8.

[192] Vol. I, p. 201.

New Testament were popular productions and apocalyptic conceptions find a prominent place in the thoughts of the writers. John the Baptist was a popular preacher and he seems to have expected an imminent judgment. The apocalyptic can scarcely be eliminated from the mind of Jesus. The Zadokite document shows that this sect, too, awaited the appearance of the Messiah.[193] The absence of any Jewish or sectarian tendency in the apocalypses themselves points to their having arisen out of the main stream of Jewish life.[194] These facts, with others, point to the wide popularity of these books. We must, then, raise the question as to whether the creators of this special type of thought and expectation had any different view of the divine revelation than the authorised teachers of the people. The answer can be stated in a few words. These writers unanimously voice the belief that the law of Moses is the final and complete revelation of religion. While the law is not always the object of their deepest interest, to the apocalyptic writers it states the duty of man and shows the way to the favour of God.[195] Emphasis upon inner, ethical principles in no way is in conflict with the specific commands of the ceremonial law. Thus *The Testaments of the Twelve Patriarchs* which "for the first time in literature connects the two commandments of love to God and love to one's fellow man"[196] asserts with equal force the commands of the ritual law: the tithes must be properly paid (T. Levi, ix, 4), the offering of the various sacrifices must be made (9:7), ceremonial ablutions must be performed at the proper times (ix, 11), fasting is approved (T. Reub. i, 10). There is only one exception of any importance to this general statement, the Fourth Book of Ezra.[197] In this work we find the firm affirmation of the inspired character of the law but it is accompanied by a sense of dissatisfaction and despair which reminds one of the seventh chapter of Romans. God has given the Law to Israel, but the law alone has not proved sufficient. "Thou didst not take away from them the evil heart, that thy law might bring forth fruit in them."[198] But this in no way invalidates the divine law. "We who have received the law and sinned must perish, together with our heart which has taken it in; the law however perishes not but abides in its glory." [199] The writer of this book had reflected upon many questions, the hard lot of the righteous nation Israel, the mass of evil in comparison with goodness, but he did not raise the question of the perfection and finality of the Torah.

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[193] ii, 10; xv, 4; xviii, 8.

[194] *Cf.* Porter, "Judaism in New Testament Times," *The Journal of Religion,* Vol. VII, no. 1, pp. 41-44.

[195] See the summaries at the end of each chapter (or the word "Law" in the index) in Hughes, *The Ethics of the Jewish Apocryphal Literature.*

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[196] Hughes, *op. cit.*, p. 54.

[197] *Tobit* shows departures from the Mosaic regulations concerning marriage, a fact which Hughes (following Moulton) explains as due to the Persian influence of the ground document of the book (*op. cit.*, p. 42). The author's support of the Mosaic law, however, cannot be questioned: see the remarks of Simpson in Charles, *Apocrypha and Pseudepigrapha,* Vol. I, p. 197 on the practical moral outlook of the book.

[198] 4 Ezra iii, 20. Cp. ix, 31, 32.

Finally, no endeavour to consider Jewish society in the first century can overlook the ever-growing restlessness of the masses under Roman domination, the so-called Zealot movement. Already in Jesus' lifetime revolt had broken out, led by Judas, a Galilean, who declared that his countrymen "were cowards if they endured paying tribute to Rome and after God submitted to mortal men as their lords." [200] With this "sect," if Josephus' term for them be permitted, we can feel sure that Jesus was in contact. But their views as to the Torah need not detain us. They were the fanatical wing of the Pharisees—or of groups under the influence of Pharisaic ideas—inflamed against Rome and believing not only in the duty of keeping the law but also of defending it with the sword. "These men agree in all other things with the Pharisaic notions, but they

[199] 4 Ezra ix, 36, 37.

[200] Josephus, *Bell. Jud.* II, 8, 1.

have an inviolable attachment to liberty and say that God is their only ruler and lord."[201]

Out of this survey of contemporary Jewish attitudes toward the Torah there emerge several results which must be in our minds as we attempt to understand the thought and work of Jesus. In the first place, one notes the universal acceptance of the Mosaic legislation and teaching as the ultimate sanction of Jewish society. To disavow this removed one from the pale of Judaism. In the second place, we have seen how inextricably united were the written and oral Torah. Since the oral law was the written law *in application* it was inevitable that most of the conflicts between Jesus and scribism should concern points in this oral law, i.e., the traditional definition of what the written law meant. In the third place, one closes this survey with an impression that the period was one of unrest and spiritual discontent. Among the masses there was a yearning for independence and national vindication. Within the ranks of the scribes there was conflict concerning the content of the will of God. There were groups who sought to please God and find religious satisfaction by an extreme ritual piety, by unselfish morality, and even by ascetic withdrawal from their fellows. One secession movement had already taken place. There were some who declared that the age was evil and looked for a new heaven and earth soon to appear. There were questions as to which of all the commandments was the chief one. In the wilderness of the Jordan a prophet appeared preaching the necessity of universal individual repentance and baptism in preparation for the coming judgment. It was a period of spiritual crisis, when change and adjustment were in process. Out of such a complex and troubled situation have arisen all the great leaders of mankind. In the fourth place, we have seen how the natural path for any movement of reform to take was to interpret in new fashion this divine law of Moses. With these facts in mind we are now in a position to turn to the problem of Jesus and his attitude toward this basic doctrine of Judaism.

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[201] *Antt.* XVIII, 1, 6.

# CHAPTER III

## THE SYNOPTIC GOSPELS AND THEIR SEVERAL ATTITUDES TOWARD THE LAW

ANY attempt to solve the problems of Jesus' life and teachings must take into account the complex literary relations of the material contained in the gospels, and proceed in accordance with some conception as to how the data should be handled. It is necessary, therefore, to state in brief terms the critical assumptions upon which this study is based.

It is assumed that Mark was the earliest of the three gospels and was one of the sources employed by the compilers of the other two. This proposition is so generally accepted that it would be tedious to reiterate the well-known facts which are its proof. But Mark itself is a compendium of earlier collections and short treatises.[1] Some of these can be fairly well distinguished—the "Little Apocalypse,"[2] for example, or the collection of stories of conflict with the Pharisees.[3] Others which cannot be recovered or their limits marked out are indicated by the lack of cohesion in different parts of the narrative, the fact of doublets, the conventional headings of editorial character, the presence side by side in the gospel of different or even conflicting points of view. Two quotations from Professor Bacon's recent book on Mark express this view with force and clearness: "The Gospel is anything but the product of off-hand composition; a literary work 'aus einem Guss.' Nor can it be the product of oral dictation. More distinctly than even in the later more polished gospels can the critic here observe the marks of piecing together of older written material."[4] "Doubtless it is in reality a better and sounder foundation for apologetics to regard the Gospel of Mark as a post-apostolic compilation of traditions and documents under the name of Peter than to assume for it a reflection of the very words of Peter such as the internal evidence fails to support. . . . We are not dealing with Peter's preaching reduced to writing by an amanuensis either before or shortly after his death. The Gospel according to

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[1] *Cf.* Moffatt, *Introduction to the Literature of the New Testament,* pp. 225-29; Loisy, *Les Évangiles Synoptiques,* pp. 85-6; Montefiore, *The Synoptic Gospels,* pp. xxxiif; Case, *Jesus,* pp. 97f; Cadbury, *The Making of Luke-Acts,* pp. 49-59, 77-8; Bacon, *The Gospel of Mark, vide infra.*

[2] Sanday (ed.), *Oxford Studies in the Synoptic Problem,* pp. 179-183; Bacon, *The Gospel of Mark,* Chapter XI.

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[3] See Albertz, *Die Synoptischen Streitgespräche*, p. 5 for reasons for thinking that the section, Mk. ii, 1-iii, 6 had been collected prior to its appearance in the gospel.

[4] Bacon, *The Gospel of Mark*, pp. 138f.

Mark was really the output of some great church in the sub-apostolic period. Whether this was the church at Rome or some other, it put forth a careful compilation which everywhere displaced earlier written accounts of the sayings and doings of the Lord."[5] With this statement the present writer is in agreement.

The Gospel of Mark was the product of the Gentile wing of the church. This is the assertion of the early tradition[6] and it is borne out by the internal evidence of the book. The writer explains Jewish customs and terms,[7] translates all his Aramaic phrases,[8] in two instances shows a glaring lack of knowledge of (or lack of interest in) Palestinian conditions,[9] and is apparently unfamiliar with the geography of the country.[10] It is this Gentile environment indeed which we must probably thank for the existence at all of a biography of Jesus. No lives of prophets or rabbis have been preserved. Jewish religious tradition preserved the words of a great teacher but was indifferent to biography, this in marked contrast to Greek and Roman interest.[11] Thus the gospel is related to a Gentile background by the earliest Christian tradition, by the internal evidence, and by its literary genre. For the purposes of this study it is incidental whether this was in Rome, as Clement states, or somewhere else. As to its date, we may accept the general agreement that it was written about a generation after Jesus' death, without debating whether this was shortly before or soon after 70 A.D.

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[5] *Ibid.*, p. 325.

[6] Clement of Alexandria, *H. E.* VI, 14, 5; Jerome, *Comm. in Mattheum* Proemium §6; *cf.* Papias, *H. E.* III, 39, 15 and Irenaeus, *H. E.* V, 8, 3.

[7] vii, 3, 4; xv, 42.

[8] vi, 41; vii, 11; vii, 34; xv, 34.

[9] vii, 3f: *οἱ γὰρ Φαρισαῖοι καὶ πᾷντες οἱ Ἰουδαιοι, ἐὰν μὴ πυγμῇ νίψωνται τὰς χεῖρας, οὐκ ἐσθίουσι.* x, 12: *Καὶ ἐὰν αὐτὴ ἀπολύσασα τὸν ἄνδρα αὐτῆς γαμήσῃ ἄλλον* . . . .

[10] See Bacon, *op. cit.*, pp. 303f.

This Gospel of Mark quickly attained widespread popularity even in spite of an unfortunate accident to its concluding narrative. When we turn to the gospels of Luke and Matthew, we find that it has been used as a source by the editors of both these works. Certain scholars have supposed that the document actually used differed somewhat from our Mark and represented an earlier form of that gospel.[12] It is extremely important to decide whether this hypothesis be tenable, for if so, it eliminates the one sure way of determining the literary methods and theological prepossessions of the editors of Matthew and Luke, namely, the modifications which they make in the Marcan material. The strongest of the several arguments in favor of the hypothesis is the presence of certain verbal agreements of Matthew and Luke against the present text of Mark in sentences evidently taken from the Marcan source. To the present writer, however, these agreements seem to have been adequately explained as due to other factors in the composition and transmission of the gospels,[13] and it is assumed that our Mark was one of the sources of Matthew and Luke.

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[11] *Cf.* Votaw, *American Journal of Theology,* Vol. xix, pp. 45-73 and Streeter, *The Four Gospels,* p. 496. Cadbury, *The Making of Luke-Acts,* pp. 127-39, points out that this holds good only to the degree that the idea of a formal biography entered into the making of the gospels. This he admits to a certain extent for Luke but apparently not for Mark.

[12] For the literature maintaining this view, the reader is referred to Moffatt, *Introduction,* p. 192. An excellent brief summary of the argument for an "Ur-Marcus" is to be found in Knopf, *Einführung in das Neue Testament,* pp. 108-9.

In addition to this source Matthew and Luke had a second common source, a collection for the most part of teaching material, long known to scholars by the symbol Q. In spite of all the uncertainties and problems in connection with this source, the basic fact of its existence cannot be doubted. Unless we fall back upon the now generally discarded hypothesis of a stereotyped oral tradition which fixed the wording of the gospels, or else assume a direct dependence of Matthew and Luke one upon the other, we are required by the presence of verbally similar passages both of teaching and narrative material to assume the existence of a second common documentary source.[14]

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[13] Streeter, *The Four Gospels,* pp. 180f and 293-332.

To Q is generally ascribed all the non-Marcan material recorded in similar words by Matthew and Luke. But a most serious problem is raised by the fact of repeated and ofttimes noteworthy differences in the wording of what seems to be material from this common source. Thus the marked differences in the Beatitudes over against the similarity of other portions from the two Sermons, thus the two forms of the Lord's Prayer, thus the curious way in which the stories of the healing of the centurion's servant differ markedly in the first half only to conclude in almost identical language. This combination of similarity and difference characteristic of the synoptic problem as a whole thus appears in most acute form in this teaching material supposed to be derived from the document Q.

The proponents of Q were forced to attribute these differences to one of two causes. Either the editors of the gospels had modified the source as they used it—a theory difficult to maintain as the complete explanation, though no doubt this factor enters into the problem—or, secondly, this Q had come to exist in two quite different recensions, one of which was used by Matthew and the other by Luke.[15] This latter was equally unsatisfactory, as I can testify with feeling. One began with a common document Q, one ended with two documents similar and dissimilar, documents repeating the problem of the gospels and as much in need of explanation as they. The theory of an original document Q which had developed along two different lines became overburdened with complexity and furnished more problems than solutions. To the present writer it is one of the greatest contributions of Canon Streeter's recent book that he has pointed out so clearly the probable solution of this difficulty—that we are not dealing with several different kinds of Q but rather with the familiar phenomenon of the overlapping of sources.[16] The editors of our first and third gospels used a common source which we may continue to call Q, but each had other sources which contained part of the material which was in Q. From time to time each editor modified his Q material in the light of these other sources, or substituted from these other sources a somewhat different account of saying or narrative. This procedure is exactly what took place in the case of so highly respected a source as Mark, and the hypothesis that it happened also in the case of Q and accounts for many of the differences in form between Matthew and Luke is surely sound. I need not repeat the detailed evidence supporting this view. This has been adequately done and I will only add my testimony that the hypothesis is a working tool which again and again makes intelligible data which formerly were most puzzling. To Q we attribute the striking resemblances, to other sources the differences —though in individual cases, of course, one or the other editor may be responsible. The fault of the older view was that one kept trying to force into the document Q the differences as well.

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[14] The only other alternative seems to be the assumption that there took place a process of harmonising these two gospels which not only inserted striking phrases and details but even whole paragraphs. Against this is the fact that there is no trace in the ms. data of any such harmonising, that it did not affect important narrative portions of the gospels, and that the other two gospels were not similarly treated.

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[15] *Cf.* Wernle, *Die Synoptische Frage;* Moffatt, *Introduction,* pp. 195-6.

[16] *The Four Gospels,* Chapter IX.

I assume then that the editors of Matthew and Luke had Mark, Q, and certain further sources peculiar to each, sources which we may refer to by the convenient symbols M and L. It is unfortunate but it is true that, except where Mark is concerned, we cannot make a hard and fast distinction between these sources. This must be admitted at the outset. Not only are we faced with the possibility mentioned above that material in Matthew and Luke frequently attributed to Q but differing in the two forms may come in one or the other cases from M or L, but there is also the practical certainty that some of the material now found in only one of the gospels and thus attributed to M or L stood in Q. It would be strange indeed if neither editor drew from the common source except when the other, working independently, also incorporated the passage. The identification of these particular passages, however, is another matter and at best is precarious. Thus from two sides is the critic faced with the likelihood of error: he may attribute to Q material which does not belong there, and he will probably fail to allocate to that source some passages standing in one gospel only which came from the Q document. In the present stage of synoptic criticism, the analysis of the gospels into their constituent sources cannot be exact, which is only one of several reasons why source analysis alone will not solve the problems of the life and teachings of Jesus. Like the physical scientist, the New Testament critic when sorting his material into its sources must reckon with a probable error.

These difficulties deal with the relation of Q to M and L. They lead us to the question whether we have a right to regard M and L as symbols designating single documentary sources. May not the peculiar material in each gospel have come from a number of such sources? Or, to state the problem differently, can the synoptic gospels be analysed into four primary documentary sources, Mark, Q, M, and L, or should we be content with the statement that Matthew and Luke had two sources in common which can be identified, and other special sources which, like the floating material out of which Mark is constructed, must remain largely undefined? Streeter feels that we are warranted in assuming that the M material and the L material are in each case drawn from single documents,[17] and that we may even surmise their places of origin.[18] There are facts in each case which do suggest that the material belongs together, but this phase of the "four document hypothesis" must be regarded as still under investigation.[19] Consistency of viewpoint, however, is one of the tests to be applied, and no issue could serve as a better basis for this than the bitter controversy over the Jewish law through which the early church passed. It will be advisable, therefore, as well as practically convenient, to consider in the following pages under one heading the material peculiar to Matthew (M) and similarly the material peculiar to Luke (L), without by so doing committing oneself to any view as to the complete unity of either group.

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[17] For M, see p. 260f; for L, p. 232.

[18] Pp. 230ff.

[19] Canon Streeter frankly admits this in the case of M (*op. cit.*, pp. 260f.). Dr. Vincent Taylor questions whether a documentary source L ever existed. "Under scrutiny L crumbles away except as a convenient symbol for the oral tradition of Caesarea or for this tradition reduced to writing in the rough jottings of Luke's notebook." (*The Journal of Religion,* Vol. VIII, No. 2, April 1928, p. 235).

A final set of problems concerns itself with the combination of the non-Marcan material in the Gospel of Luke. Canon Streeter and Dr. Vincent Taylor have recently urged with great cogency that this material had been combined into one document previously to its use in the third gospel. Furthermore, it is pointed out that, including Luke's passion story, this material when combined gives a sufficiently complete and consistent narrative of the work of Jesus to be regarded as an earlier gospel. In the third place, it is maintained that Luke used this gospel as his major source. In the fourth place, it is urged that the author of this gospel was the evangelist Luke himself.[20] This "Proto-Luke" hypothesis gives an explanation to many features of Luke's use of Mark and is very inviting. It has already been endorsed by a number of distinguished scholars and will continue to be the focus of attention in all investigations of gospel origins. In the meanwhile, the discussion of the theory has had one very wholesome effect—it has called attention to the fact that the non-Marcan material in the gospels may be as early and as authentic as the Marcan. Indeed, according to the hypothesis, the editor of the third gospel preferred this source as a whole to our second gospel. In any case he certainly preferred its version of a number of incidents and sayings to the corresponding ones in Mark.[21] In the light of this fact one can hardly deny the possibility that the special material in Matthew is also equal in value to that which a few years ago went by the title of the Double Tradition and the Triple Tradition. In the end the authenticity of sayings of Jesus as preserved in the synoptic gospels is to be established by internal and historical criteria rather than by allocation to this or that documentary source.

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[20] Streeter, *op. cit.* Chapter VIII; Taylor, *Behind the Third Gospel,* Oxford, 1926; *Journal of Theological Studies,* Vol. **XXIX**, p. 147ff; *Journal of Religion,* Vol. VIII, pp. 225-246.

With this brief statement regarding the sources which go to make up our synoptic gospels, I turn immediately to the question of the point of view of the several editors toward the great issue of the Jewish law. We know that the controversy which sprang up so quickly over the keeping of the law divided the church and produced bitter words and deep feeling even between the leading apostles.[22] In spite of the failure of Paul in his extant letters to cite a word of the Lord on the subject,[23] there can be little doubt from the number and variety of the sayings of Jesus preserved on this topic in the gospels that his authority was quoted on both sides of the conflict. It is essential therefore to ascertain the attitude toward the question of the individuals who compiled our gospels if we are to understand and properly evaluate the data which have been preserved.

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[21] See the list in Streeter, *op. cit.* pp. 209-10.

[22] Acts xv, 1-2; Gal. i, 7-8, ii, 4, 6, 11-16; Acts xxi, 20, 21, 28.

Now it is obvious that all the evangelists accepted unquestioningly the inspiration and authority of the Old Testament. Their quotations from it as from revealed literature, their desire to demonstrate the fulfilment of its prophecies in the story of Jesus, their inclusion of statements of the Lord which affirm its moral and spiritual authority, make this abundantly clear. This was the common conviction of the early church. Even Paul writes that the "law is holy and the commandment holy and righteous and good."[24] This conviction, of course, created the problem: if the Scriptures contained God's revelation of his will for mankind, were not all their precepts binding, the Jewish ceremonial a divine requirement, and Jewish privileges and prerogatives still in force? Or, to put it differently, if one would share in the Kingdom promised to the patriarchs, would it not be by accepting membership in and by fulfiling the obligations of the chosen people?

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[23] Gal. vi, 2; Rom. xiii, 10; and xiv, 14 are all important passages, but no one is a direct quotation.

[24] Rom. vii, 12.

By the time the gospels were written this problem had received a practical answer. Under the leadership of Paul and other missionaries, churches composed largely of Gentile converts feeling no allegiance to the peculiarly ethnic and ceremonial side of the Scriptures had been widely established. How such churches reconciled their beliefs as to the Jewish Scriptures we need not pause to discuss, save to remark that the views of the Apostle Paul did not become the accepted explanation. In any case, by the time the gospels were written, there existed side by side with "churches of Judea which were in Christ" a great number of Gentile or Hellenistic churches, strong, independent, missionary in spirit, and in no way apologetic for their failure to keep the Jewish law. In this atmosphere all four of our gospels were compiled and we can therefore anticipate the point of view which governed their several editors.

That the Gospel of Mark was a product of the Gentile church has already been mentioned. There are references in the gospel which make it clear that it comes from an environment in which the Gentile mission and its result was a settled fact. The apocalyptic section explains the necessity of a delay in the Parousia by attributing to the Lord the saying, "And the gospel must first be preached unto all the Gentiles."[25] In the story of the woman who poured the precious ointment upon Jesus' head, we find the concluding statement, "Verily I say unto you, wheresoever the gospel shall be preached throughout the whole world, that which this woman has done shall be spoken of."[26] While there is nothing in these statements which definitely precludes the type of preaching to the Gentiles which the Judaistic emissaries delivered in Antioch and Galatia, they certainly breathe the spirit of the more liberal leaders who were responsible for spreading the gospel over the Roman Empire. The story of the Syro-Phœnician woman, however, is even more revealing. Here we have a conversation in which Jesus seems to reflect the most intolerant Jewish attitude towards the foreigner. It is only one of several pieces of evidence which—as we shall see later—go to prove that Jesus himself initiated no Gentile mission. The way in which this story is told is, therefore, most instructive. That Jesus was reluctant to assist the Gentile woman is not denied but the story has been given a slight turn which transforms that reluctance into a merely temporary policy. "And he said to her, Let *first* the children be fed."[27] A comparison here with Matthew shows that this was not the universal form in which this story was told in Christian circles.[28] It would indeed appear that Mark is writing from a circle in which it is believed that though Jesus limited his activity to his countrymen, he enjoined his disciples to follow this with a mission to Gentile lands. In the light of this definite hint and the passage xiii, 10, above, it seems likely that in the ending of Mark, as in closing verses of Matthew and Luke,[29] the risen Lord gave to his disciples a command to proclaim the good news to all men.

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[25] Mk. xiii, 10. The authenticity of the second half of this verse has been questioned on the ground that it appears in neither of the parallel passages, Mt. x, 18 and Lk. xxi, 13. The remaining portion of the verse—the first half—is then read as part of the preceding sentence; the emended text thus reading: *ἐπι ἡγεμόνων καὶ βασιλέων σταθήσεσθε ἕνεκεν ἐμοῦ εἰς μαρτύριον αὐτοῖς καὶ εἰς πάντα τα ἔθνη.* See Klostermann, *Das Marcus Evangelium,* p. 150 and Cadbury, The Making of Luke-Acts, p. 255 note. Because of the awkward construction thus created—*μαρτύριον αὐτοῖς καὶ εἰς . . . ἐθνη* —and because of the reappearance of the full contents of the verse in Mt. xxiv, I have been inclined to retain the verse as Marcan.

[26] xiv, 9.

Closely related to this is the viewpoint of the gospel with reference to the special privileges of the Jewish nation. They have forfeited these privileges by their refusal of the Messiah. The point is not elaborated as in the later gospels, but it is clear enough. In the critical hours of the trial when Jews and Gentiles united to bring about the death of the Messiah, it is the chief priests and in lesser degree the scribes and the Jewish multitude who carry the primary responsibility. Pilate is not exonerated, but his part consists in simply carrying out the wishes of the bloodthirsty Jewish leaders. It is specifically stated that Pilate "perceived that for envy the chief priests had delivered him up." [30] Of the spectators at the foot of the cross the chief priests and scribes mock him among themselves, while in contrast the Roman centurion observing his death declares, "Truly this man was a son of God." [31] The moral of all this is pointed in the Parable of the Vineyard.[32] Again and again the lord of the vineyard had sent servants to the husbandmen to collect the fruits that were due him and they had been shamefully treated. Finally he sent his beloved son, and the husbandmen killed him and "cast him forth out of the vineyard. What therefore will the lord of the vineyard do? He will come and destroy the husbandmen and give the vineyard unto others. Have ye not read this scripture, The stone which the builders rejected, the same was made the head of the corner. . . ." Mark does not elaborate these thoughts; he is content with exhibiting the rejection of the Son of God by the Jewish nation and the passing of the vineyard to others.

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[27] vii, 27: *ἄφες πρῶτον χορτασθῆναι τὰ τέκνα.*

[28] Mt. xv, 21-28.

[29] Mt. xxviii, 19; Lk. xxiv, 47.

[30] Mk. xv, 10.
[31] xv, 39.
[32] xii, 1-12.

The ethnic privileges of the Jews, therefore, had ceased.[33]

The above material leads up to the final question as to the standpoint of the gospel: what is the view of the writer and of the church which he reflects concerning the validity of the Mosaic legislation concerning cultus and ritual duties? Were these laws of foods, circumcision, and the like still binding upon Christian converts? Here we have very clear evidence. The evangelist has been telling the story of the conflict over eating with unwashed hands and has given the famous reply of Jesus that "nothing from without the man can defile him." [34] On leaving the crowd the disciples ask him the meaning of this "parable," by which is meant a saying with deeper meaning than appears upon the surface.[35] To the explanation which according to the text Jesus then makes, the editor adds the significant words—*καθαρίζων πάντα τὰ βρώματα*—"making clean all foods." Whatever we may have to decide as to the original form and meaning of this important saying of Jesus, we have here the plain statement as to how the writer of the gospel understood it. According to his view, distinctions between foods were done away with; the Lord had made it clear that there were no longer clean and unclean meats.[36] Christians were no longer bound to observe the ethnic regulations of the synagogue, nor to abstain as did those Jews at Antioch from eating with their Gentile brethren.

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[33] If, with Bacon (*The Gospel of Mark*), we accept a date after 70 A.D. for the gospel, this parable becomes especially pointed, and the meaning it would have for the editor and his readers even clearer.

[34] Mk. vii, 15.

[35] Note the next sentence in the text, "And he sayeth unto them are ye so without understanding also?" and *cf.* Mk. iv, 11-13.

The Gospel of Mark thus reflects the point of view of the Gentile mission. While it has not eliminated from the traditional material which it incorporates all indications of the moral superiority of Jews to Gentiles and the precedence of the former in the Gospel,[37] it makes Jesus anticipate the preaching to the Gentiles, it seems to regard the Jewish nation as having sacrificed their position of special privilege, and it declares the Mosaic food laws no longer binding. None of these ideas, however, is set forth with any special feeling. One gets the impression that they are no longer burning issues, but beliefs accepted as a matter of fact by the church in which our editor lived.[38] Except for the saying about unclean foods, the views are not elaborated, and even in that case the very brief editorial comment upon the incident seems to be calling attention to a point of historic interest rather than making a declaration of the author's position in a matter of current controversy. As to the author's grounds for maintaining the divine authority of the Scriptures while rejecting many of its precepts, we are in somewhat the same case. He nowhere formulates a systematic doctrine as to the Scriptures. As in other matters, his theology is "implicit rather than explicit." [39] Several narratives in the gospel, however, suggest the answer which in undeveloped form was in his mind. That Jesus could repeal the food laws of the Pentateuch by a simple declaration, that he set aside the laws of the Sabbath with the statement, "The Son of Man is lord also of the Sabbath,"[40] that he abrogated the Mosaic law of divorce on his own authority,[41] all indicate that the conception of Jesus as a new lawgiver greater than Moses was already present in germ.

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[36] Against this evidence objections have been brought on two grounds. In the first place, it is claimed that this phrase is a gloss and does not belong to the original text. I see no reason for so eliminating it. The compiler of the gospel clearly regards the logion in verse 15 as of deep significance. This is shown by his repetition and amplification of the saying, by his description of it as a παραβολή which the disciples did not fully understand. Furthermore, verse 20 makes a new start, ἔλεγεν δὲ ὅτι, as if the text had left the quotation of Jesus' words and had to begin again. As for the omission of the saying in Matthew, it should be noted that the latter editor has recast the sentence, eliminating the break between the two halves of the saying, and putting the application in more specific terms at the close of the paragraph.

The second objection is that the phrase as used above is a mistranslation, that it should be taken as part of the Lord's saying. This view takes it to be the ἀφεδρών which makes all meats clean. (*Cf.* Welhausen *ad loc.*, Montefiore, *The Synoptic Gospels*, 2nd ed. Vol. 1, p. 163f.) My reply is threefold: (a) Such a rendering is unintelligible; in what sense does the ἀφεδρών (or with D the εχετός ) make meats clean? (b) If our phrase be part of the quotation, there would be less reason for resuming quotation by means of ἔλεγεν δέ in verse 20. (c) ἀφεδρῶνα is accusative case, while the participle is nominative.

Since writing this note I have read the article by C. H. Turner on "Parenthetical Clauses in Mark" in *Journal of Theological Studies*, Vol. xxvi, pp. 145-156. Turner cites nineteen instances of such clauses in Mark. With the passage here discussed *cf.* especially ii, 10; ii, 15, 6; ii, 26b; vii, 2, xii, 12a.

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[37] E.g., vii, 27, 8; x, 34; and x, 42.

[38] In view of the probability that Mark was a Roman gospel, it is interesting to compare this with the situation which Paul deals with in Romans xiv.

[39] Rawlinson, *The Gospel according to St. Mark,* p. l.

The evidence is equally convincing that the Gospel of Matthew also came from a Christian group which belonged to the Hellenistic rather than to the strictly Jewish wing of the Church. In the first place, one notes that in this gospel the Gentile mission and the rapid spread of the faith is taken for granted. Here as in Mk. we read that the deed of the woman in Bethany shall be spoken of as a memorial of her "wherever this gospel is preached in the whole world."[42] The statement of the universal proclamation of the gospel which must precede the Parousia appears in Matthew in even stronger terms.[43] The matter is put beyond all doubt, however, by the presence of the so-called Great Commission in the conclusion of the gospel:

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[40] That the phrase, "Son of Man" in all probability originally meant "man" is beside the point, since the evangelist did not read it in that sense.

[41] Mk. x, 2-12.

[42] Mt. xxvi, 13.

[43] Mt. xxiv, 14 = Mk. xiii, 10. *Cf.* also Mt. xxiv, 9.

"All authority hath been given unto me in heaven and on earth. Go ye therefore and make disciples of all the nations . . . teaching them to observe all things whatsoever I commanded you."[44] This command by the risen Jesus thus made the Gentile mission imperative. The author clearly regards it as superseding the earlier policy of Jesus in restricting the activity of himself and his disciples to the people of Israel.[45]

In the second place, our author is convinced, as was the editor of Mark, that the Jews as a nation have sacrificed their position of being God's chosen people by their rejection of the Messiah. To Mark's account of the trial before Pilate he adds the significant story that Pilate, having remonstrated with the chief priests and elders to no avail, washed his hands before the crowd, saying: "I am innocent of the blood of this man, see ye to it," whereupon "all the people answered and said, His blood be on us and on our children."[46] The parable of the vineyard as given by Mark he repeats, and adds a final verse in which the point is stated explicitly: "Therefore I say unto you the kingdom of God shall be taken away from you and given to a nation bringing forth the fruits thereof."[47] To the story of the controversy over unclean food he adds the report of the disciples that the Pharisees were greatly offended at his saying, whereupon Jesus replied, "Every plant which my heavenly Father planted not, shall be rooted up."[48] To the story of the healing of the centurion's son he adds the saying which Luke has elsewhere, "And I say unto you that many shall come from the east and the west and shall sit down with Abraham and Isaac and Jacob in the kingdom of heaven; but the sons of the kingdom shall be cast forth into outer darkness."[49] The author of our first gospel was thus an exponent of Christian anti-Semitism as well as Christian universalism.

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[44] Mt. xxviii, 18f.

[45] As in Mt. x, 5 and xv, 24.

[46] Mt. xxvii, 24.

His attitude toward Jewish ritual and ceremonial regulations can therefore be anticipated. The most important piece of evidence is his account of Jesus' answer to the Pharisees' question as to the chief commandment. This narrative appears in both Mark and the Q material.[50] In the Matthean version we have appended to Jesus' answer the statement: "On these two commandments hangeth the whole law and the prophets." This summary of the commands of the Old Testament appears neither in Mark nor in the Q account. That it is due to the evangelist is made the more likely by the fact that almost the identical phrase is to be found in Mt. vii, 12, with reference to the "Golden Rule," where a comparison with the Q form in Luke again shows that the formula did not appear in the source. Thus it would seem that the evangelist saw in the supreme commands of love and unselfish service the essence of what the law commanded.[51]

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[47] Mt. xxi, 43. The parable is addressed to "the chief priests and elders of the people" (ver. 23).

[48] Mt. xv, 13.

[49] Mt. viii, 11, 12.

[50] Mt. xxii, 34ff = Mk. xii, 28ff *cf.* Lk. x, 25ff.

Streeter (*op. cit.*, p. 320) eliminates on textual grounds the more important agreements of Matthew and Luke against Mark in this story, but still suggests that the Lucan form is derived from Q.

This impression is deepened by the observation that in two further passages taken from Mark, we find a similar addition stating that God's requirements are to be stated in moral terms. This time the addition consists of the quotation of Hosea vi, 6, "I desire mercy and not sacrifice." The first passage deals with the matter of eating with sinners; the second with the conflict occasioned by the disciples' act of plucking grain from the fields on the Sabbath.[52] Though Jesus may have used the quotation on some occasion, its insertion into the sources in these passages is clearly the work of the evangelist.[53] By so inserting it, he demonstrates again his understanding of the divine commands in terms of morality rather than ritual purity. What God requires of men is "mercy," not separation from the unclean nor strict obedience to the Sabbath law. To love other men as oneself—this is the law and the prophets.

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[51] That καὶ οἱ προφῆται may be a later addition, see McNeile, *The Gospel According to St. Matthew,* p. 326.

[52] Mt. ix, 9-13 = Mk. ii, 13-17 = Lk. v, 27-32; and Mt. xii, 1-8 = Mk. ii, 23-8 = Lk. vi, 1-5.

It is true that Matthew in his account of the controversy over eating with unwashed hands does not repeat the important parenthetical remark of his Marcan source. An examination of the whole passage,[54] however, indicates that this was not out of any sentiment of disagreement with the conclusion which the editor of Mark had drawn. Matthew records the material from his source in its full length. He gives both Jesus' saying and its exposition, if anything, in more pointed terms. Furthermore, he marks the importance of the utterance by introducing the report by the disciples that the Pharisees are offended at the saying and Jesus' reply that the latter are blind guides (ver. 12-14). The reason for the omission seems to be simply that Matthew is retouching the whole story from a stylistic standpoint and has transferred comment on Jesus' words to the end of the passage (verse 20). Thus to the list of passages evidencing

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[53] *Cf.* McNeile, *op. cit.*, pp. 119 and 169, also Allen, *St. Matthew*, p. 90.

[54] Mt. xv, 1-20.

Matthew's emancipation from the Jewish law we should rather add this section, one which we are likely to overlook merely because the material is scarcely modified from its form in his source.

The final proof of this emancipation of the first gospel from the authority of the Jewish law is to be found in its presentation of Jesus as another Moses and his teaching as a new law, supplementing and displacing the older revelation. What we found suggested in the Gospel of Mark, Matthew brings to clear and strong expression. Using older materials, the author has so arranged and organised the tradition as to present the conception with force. The sayings are massed into formal discourses. The first of these is delivered from a mountain, as in the case of the original Torah.[55] With reference to this older law, it is declared that Jesus came not to destroy but to fulfil the law,[56] and this is followed with a number of specific contrasts in which it is shown how his teachings supplement and complete the law which was "said to them of old."[57] In spite of some elements in the tradition which do not fit smoothly into the conception, the gospel thus works its way up to the grand finale already quoted, "Go ye therefore and make disciples of all the nations, baptising them into the name of the Father and of the Son and of the Holy Spirit; teaching them to observe all the things whatsoever I commanded you."[58] The duty of the church is thus to obey the words of Jesus, rather than the words of Moses. The foundation for much that appears in the Christian Fathers has been laid. As Professor Case remarks, in the Gospel of Matthew was found one of the bridges by which Christianity passed from Judaism to become a religion of the Gentiles.[59]

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[55] Mt. v, 1.

[56] Mt. v, 17.

[57] Mt. v, 21, 27, 31, 33, 38, and 43. Whether the formulation of these contrasts is due to the editor or his tradition is postponed for later discussion.

When we turn to the third gospel, we find our difficulties due not so much to the lack of material but to the abundance of it. With reference to certain phases of the problem we can be brief, for the evidence is clear and has often been exhibited. "The Gospel according to St. Luke was written by a Gentile for Gentiles, but was compiled from Jewish sources which the Evangelist has followed conscientiously"—so Easton describes the book.[60] Of the author's

[58] Mt. xxviii, 18ff.

[59] See the stimulating article "The Jewish Bias of Paul" in *The Journal of Biblical Literature,* Vol. XLVII (1928), pp. 20ff. See also Bacon's presentation of Mt.'s "neo-legalistic propensities" in "Jesus and the Law," *The Journal of Biblical Literature,* Vol. XLVII, pp. 203-232.

[60] *The Gospel According to St. Luke,* p. xxxv. Cadbury is not so definite as to the author's nationality. See *op. cit.,* pp. 240 and 272.

eager interest in the conversion of the Gentiles, one fact will suffice, that he also wrote *The Acts.*[61] The point of view of that work is perhaps best illustrated by Peter's words to Cornelius, "God is no respecter of persons: but in every nation he that feareth him and worketh righteousness is acceptable to him." [62] As for the Jews, he brings out more strongly than either Mark or Matthew that they have sacrificed their special privileges and opportunities. The ministry of Jesus is made to open with his rejection in Nazareth, a rejection the significance of which is made plain by citing the proverb, "No prophet is without honour save in his own country" and by reference to Elijah's visit to a widow of Sidon and Elisha's cleansing of Naaman the Syrian.[63] The parable of the vineyard is repeated from the Marcan source and after the assertion that the lord of the vineyard will destroy those husbandmen and give the vineyard to others we have the editorial addition, "And when they [apparently the people] heard it they said, God forbid." [64] Pilate's desire to release Jesus and the insistence of the chief priests and the multitude on his condemnation "is repeated in Luke's

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[61] Moffatt, *Introduction,* p. 297; *Plummer,* St. Luke, p. xif; Cadbury, *The Making of Luke-Acts,* p. 8; Jackson and Lake, *The Beginnings of Christianity,* Vol. II, p. 207, etc.

[62] Acts x, 34f. *Cf.* Cadbury, *op. cit.,* pp. 255f.

[63] Lk. iv, 24ff.

[64] xx, 9-18.

Gospel even oftener than in the others, though Luke's general tendency is to avoid such repetitions."[65] In *The Acts,* Stephen's speech closes with a denunciation of Judaism for repeatedly rejecting the prophets sent unto her.[66] In Antioch "Paul and Barnabas spake out boldly and said, It was necessary that the word of God should first be spoken unto you. Seeing ye thrust it from you and judge yourselves unworthy of eternal life, lo, we turn to the Gentiles."[67] And the closing scene of the book is the rejection of the good news by the Jews in Rome and Paul's declaration, "Well spake the Holy Spirit through Isaiah the prophet to your fathers: Go thou unto this people and say, By hearing ye shall hear and in no wise understand; and seeing ye shall see and shall in no wise perceive. For this people's heart is waxed gross, and their ears are dull of hearing. . . . Be it known therefore that this salvation of God is sent unto the Gentiles."[68] The kingdom was thus no longer the exclusive or even the primary possession of the Hebrew people.

This emphasis upon the conversion of the Gentiles and the universality of the message is so clear in Luke that it is surprising and somewhat puzzling to find that the author has given no clear indication in the gospel of his own attitude towards the problem of the Jewish law. An examination of his treatment of the Marcan material on the topic fails to yield results. The three leading passages in Mark in which Jesus' attitude toward the Torah is most definitely treated—the controversy over eating with unwashed hands, the discussion as to the Mosaic law of divorce, and the question as to the chief commandment—Luke omits entirely. For the last of these he has substituted the Q version of the incident and in the case of the second he has supplied from one of his other sources a single saying forbidding remarriage after divorce, but such choice of non-Marcan material prevents our observing the editor's own contribution to his reader's understanding of the theme.[69] In the case of the rest of the Marcan material one finds a faithful reproduction of the source, a fact to be remembered in connection with the presence of certain sayings of a Judaistic character taken from other sources. Easton's remark is amply justified, "The Gentile character of Luke's revision is not so clear as is often assumed. . . . Luke has introduced little modification of this sort into his sources."[70]

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[65] xxiii, 4, 14, 20, 22. See Cadbury, *op. cit.*, p. 309.

[66] vii, 51f.

[67] xiii, 46. For the thought of preaching to the Jews "first" see also iii, 26.

[68] xxviii, 25ff.

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[69] The omission of Mk. vii, 1-23 may have been due to its absence in Luke's copy of Mark. See Streeter, *The Four Gospels,* pp. 172-9.

This relative absence of direct treatment of the problem in the gospel could not be continued in the author's second book. Here one of the central issues was this conflict between strict legalist and liberal Hellenist, and the hero of Luke's second book was the storm centre of the conflict. Nevertheless, the extent of the controversy can scarcely be learned from Acts; for all Luke's detailed story of Paul, the bitterness of the conflict and the extent to which it affected the work and thought of the Apostle is only known to us from his letters. Luke has minimised the story and largely eliminated—if he was aware of it—the extent and depth of the disagreement. His narrative is simple and clear, and the leaders of the church are all in agreement. "Certain men came down from Judea" and taught the brethren at Antioch that "except ye be circumcised after the custom of Moses, ye cannot be saved. And when Paul and Barnabas had no small dissension and questioning with them, the brethren appointed that Paul and Barnabas and certain others of them should go up to Jerusalem unto the apostles and elders about this question."[71] On arriving, a conference was held in which Peter, James, Paul, and

[70] *Op. cit.*, p. xxxiv.

[71] Acts, xv, 1, 2.

Barnabas reached a satisfactory agreement. Indeed, we read that "the apostles and the elders with the whole church" agreed in the conclusion reached,[72] and the church at Antioch "rejoiced for the exhortation" when they received the decree sent out.[73] Following this we hear no more of the matter until Luke found it necessary to refer to the controversy again in connection with the explanation of Paul's final arrest and imprisonment, in which narrative James and Paul are described as being still in entire agreement.[74]

The point of view accepted by the leaders was, according to Luke, as follows: God had visited the Gentiles to take out of them a people unto his name as the Scriptures had foretold (xv, 14f). To these Gentiles God had given the Holy Spirit, making no distinction between them and Jews (ver. 8). They should be accepted, therefore, without being troubled by the requirements of the Jewish law, save for certain items necessary on account of the presence of Jewish Christians in every city (ver. 19f., 23f.). Those individuals who had disturbed the church at Antioch demanding circumcision in accordance with the law of Moses were disavowed (ver. 24). Thus Gentiles were free from the law, their obedience on certain points being

[72] xv, 22.

[73] xv, 31.

[74] xxi, 18ff.

only a practical compromise out of consideration for Jewish feelings. As for the Jews, however, no such principle was adopted by the church. Thousands of Jews who believed remained zealous for the law (xxi, 20), and the words attributed to James in xxi, 25, indicate plainly that this was in accord with the agreement reached at Jerusalem. That Paul urged Jews to forsake Moses was a mistaken impression. On the contrary, he himself "walked orderly, keeping the law" (ver. 24), an assertion which Paul not only proves by his act of piety in the temple but repeats in two of his speeches of defence—before Festus, "Neither against the law of the Jews nor against the temple nor against Cæsar have I sinned at all," and to the Jews of Rome, "though I had done nothing against the people or the customs of our fathers."[75]

Luke thus regards the Gentiles as free from the law and the Jews as keeping it. In seeking to determine the point of view of the author, our question then becomes: Does Luke regard this Jewish Christian obedience as obligatory? Or to state the question differently, Is the Jewish law according to his view still valid for a portion of the Christian church?

It is difficult to give an exact answer to this question because the material does not all point in the same direction. The body of the evidence, however, indicates that Luke did not regard the Jewish law as essential for any group of Christians. The most important passage supporting this statement is the account of the vision which Peter had at Joppa and his subsequent visit to Cornelius.[76] Luke certainly regards this as one of the major incidents of his second book. He tells the story in great detail, repeating most of it a second time. To Peter, protesting against a violation of the Jewish food laws, a heavenly voice had declared, "What God has cleansed declare not thou unclean" (Ἃ ὁ θεος ἐκαθάρισε, σὺ μὴ κοίνου). This happened three times before the vessel was taken up into heaven. The importance of the episode for the writer is further borne out by the fact that at the conference in Jerusalem Peter and James both refer to this experience as a precedent for the matter in hand.[77] The story seems to assert the principle that the Mosaic food laws should not stand in the way of fellowship between converted Jew and Gentile. Jewish conscience should no longer be troubled on this score. An Heavenly Voice had declared these prohibited meats to be clean and permissible even for Jews.

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[75] xxv, 8 and xxviii, 17; *cf.* xxiv, 14b.

Strongly in line with this position is the speech which Peter makes at the Jerusalem conference. Having referred to the above incident, the speech continues, "Now therefore why make ye trial of God, that ye should put a yoke upon the neck of the disciples which neither our fathers nor we are able to bear? But we believe that we [Jews] shall be saved through the grace of the Lord Jesus in like manner as they."[78] These words are unequivocal. The law is a yoke which the Jews had never borne successfully. Salvation for Jew as well as Gentile is through the grace of the Lord Jesus, and not through the law. A similar statement is made in Paul's speech in Antioch of Pisidia: "By him [Christ] every one that believeth is justified from all things from which ye could not be justified by the law of Moses."[79] Lastly it is worth pointing out that no preacher in Acts urges upon Jewish hearers a strict and literal obedience to the Torah.

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[76] x, 9-xi, 18.

[77] xv, 7f. and xv, 14f.

This material is scarcely composed freely by Luke and undoubtedly rests on older liberal traditions which he has incorporated. The fact that he uses them in this form, however, points toward the conclusion that Luke regarded the salvation of Jews as well as of Gentiles as being independent of the observance of the law of Moses. But before drawing the conclusion, one must consider certain other data which do not seem to agree with this. In the first place, one must answer the question why in that case is the editor so careful to establish Paul's correctness as to the law. In the second place, there is the very noticeable fact that Acts fails to draw from Peter's vision the moral which has been suggested above. When at the conclusion of the narrative, Peter tells the story to his Jerusalem critics, we are merely told that "they glorified God, saying, Then to the Gentiles also hath God granted repentance unto life."[80] Later the incident is taken as a precedent, but not for Jewish freedom. On the contrary, the decision reached is that Gentiles are free, but only with due regard for Jewish observance of the law! In the third place, it must be recorded that the treatment of the problem of the Torah in the gospel is by no means clear cut. A comparison of Luke's Gospel with Mark and Matthew indicates that Luke, for some reason, was not especially interested in the theme. He omits the two chief passages in Mark dealing with the problem—the discussion over the washing of hands and Jesus' answer to the question of divorce—substituting for the latter only a single brief saying which does not refer to the Mosaic legislation. Whether he has utilised all the Q material on the topic we cannot of course tell, but

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[78] xv, 10, 11.

[79] xiii, 39.

[80] xi, 18.

the sayings which he does use he leaves unexpanded and without emphasis. In his special material he adds virtually nothing which bears on the problem. Taking the gospel as a whole one finds no such endeavour on the editor's part to interpret the sayings of Jesus concerning the Torah as one finds in Matthew. Instead, sayings of a "legalistic" character stand side by side with those which seem to be of an opposite tenor.[81] Just as Luke has smoothed over the controversy between Hellenistic and "legalistic" Christians in Acts, so in the Gospel he has minimised or at any rate failed to emphasise or develop the extent to which differences over the law were responsible for the break between Jesus and the Pharisees.

These several facts are probably due to the apologetic aim of the writer. The editors of *The Beginnings of Christianity* have pointed out that one of the objects of Luke-Acts is to portray Christianity as the true religion of Israel in order to escape the odium attaching in Roman eyes to a new religion. He presents it as the culmination of the ancient faith, the religion of a recognised race of men, worthy therefore of toleration and protection on the part of the Empire. The Jews indeed had rejected this "Way," but so had they always rejected the prophets whom God had sent unto her.[82] If this motive be recognised, its complicating force in Luke's treatment of the distinctly Jewish phases of Christianity and in particular the Christian attitude toward the law of Moses is evident. It would make it desirable to minimise such sharpness of division as had arisen between Jewish Christians and Gentile Christians. It would explain why the factors made prominent in the conflict between Jesus and the Pharisees are the latter's love of money, their pride and hardness of heart,[83] rather than Jesus' disregard of the Mosaic law. Paul, the storm centre of the later difficulties, is portrayed as innocent of any wrongdoing and thoroughly representative of true Jewish piety. A sweeping repudiation of the practice of their ancient food laws by native Jews such as seems the implication of Peter's vision would strike a false note in the apology, besides being contrary to much current Christian practice.[84] Thus it seems likely that the absence of a thoroughgoing treatment of the problem of the law in the Lucan writings is related to his larger apologetic interest and purpose. In the light of the evidence we can hardly believe that Luke himself was convinced of the continued authority of the Torah over a large part of the membership of the Christian community. He belongs on the liberal side. He regarded the essential ethical requirements of the religion as embodied in such a collection of teachings of Jesus as the Great Sermon in which the law is not mentioned. He is ready to record the story of Peter's vision and words which declare the law to have been a heavy yoke, but he hesitated to draw from this the deduction that Christians who were of the Jewish race should cease to observe their native customs.

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[81] Lk. xi, 41 and 42; xvi, 16 and 17.

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[82] Jackson and Lake, *The Beginnings of Christianity,* Vol. II, pp. 180-184. "He is anxious to show the unity between Israel and Jesus, Jesus and the Twelve, the Twelve and Paul in order to establish the legitimacy of Christianity as the religion of the Chosen People" (p. 182).

[83] See for instance Lk. vii, 30; xi, 39ff; xv, 1; xvi, 14ff.

[84] Even in the second century we find Ignatius mentioning the inconsistency of "speaking Jesus Christ and practicing Judaism" (To the Magnesians, x).

Our Synoptic Gospels, then, are all products of the freer atmosphere of the Gentile Church. The editors of the tradition have in each case used older materials, stories and sayings which still retain in many cases the Palestinian mode of thought and the Aramaic cast of language, but the editors themselves are thinking in Gentile terms. None of them is in sympathy with the belief that membership in the Christian body involved of itself obedience to the Jewish Torah. Already we see beginning the theological explanation of its abandonment. Yet while the gospels share this general viewpoint, one is impressed with the differences in their handling of the theme. Mark's Gospel is a matter-of-fact story, roughly told without much attempt at interpretation or comment. Its theology is implicit in the narrative. The controversy over the law is over, but it was sufficiently important in the writer's mind or was sufficiently acute in the church from which he writes for him not only to record a considerable amount of the material relative to the issue but also to comment upon the most important saying. Matthew's Gospel, upon the other hand, seems to come out of a situation which was much closer to the conflict. Certainly its editor stood in a position where the two counter streams of influence met. He is interested in the problem, as is shown by the fact that he repeats all of Mark's data on the topic. His interest is deeper than that of a merely narrative historian. He has thought the problem through, and in his gospel we have not only a most thoroughgoing attempt to preserve the traditions of the church in this area of difference, but also a reconciliation and synthesis of the divergent traditions for the guidance of the church. In the case of Luke I feel that he had not reached a final answer to the problem, a problem the practical and theoretical difficulty of which we must not overlook. His mind seems to have been of the literary and artistic type rather than the logical or, in this case, theological. Threads in the story in which he was interested he works out with consummate effectiveness and skill, but a careful study of his work shows that he had not always correlated these several themes or concepts. Luke certainly feels that the Lord had made clear what was important—repentance, forgiveness, love, almsgiving, prayer, and the like—but he indicates this by multiplying sayings and parables which bring this out rather than by demonstrating any formal abrogation of or reinterpretation of the ritual and ceremonial precepts of the law. He was convinced that the Lord intended the "good news" for the Gentiles and that they were free from the burden of Moses' law, but he established this by an appeal to the guidance of the Holy Spirit in the concrete situations which arose rather than by any more fundamental method. On the one hand, the evangelist seems not to have fully appreciated from the Jewish side the difficulty of disregarding the law without some reinterpretation of its meaning or its place in history. On the other hand, he hesitates to apply to Jewish Christians the freedom which he apparently feels. The former of these we can perhaps attribute to his Gentile background, the latter to his apologetic interests and to the fact that he surpasses the first and fourth evangelists in literary art but not in philosophic power.

# CHAPTER IV

## JESUS AND THE TORAH: THE TRADITIONS PRESERVED IN MARK

WE turn now to a critical examination of the material in our gospels with a view to determining Jesus' attitude toward the Torah. The obvious starting point is the Gospel of Mark. The evidence here is abundant, but much of it is indirect and its exact significance is frequently debatable. Furthermore, the data are not entirely consistent. For these reasons it will add to the clarity of the presentation to consider the material in an order dictated by the logic of the problem rather than to take it up in the sequence in which it appears in the gospel. This will not be likely to obscure a possible development of Jesus' views on the Torah, as few would maintain that the record in Mark can be taken as a strictly chronological one.[1]

It is well to note by way of beginning that the gospel affords quite sufficient evidence that Jesus lived in his complex racial environment the life of a loyal and devoted Jew. He appears as neither apostate nor iconoclast. The two primary religious institutions of Judaism were the synagogue and the Temple; for both of them Jesus had deep appreciation and respect. Not only was the synagogue the scene of a number of incidents of his career,[2] but Mark summarises the first half of his ministry in the words: "And he went into their synagogues throughout all Galilee, preaching and casting out devils."[3] Similarly in the latter part of his life we find him daily in the Temple, using its porches for his teaching, driving out those whom he felt were perverting its function, and declaring it to be the place where God dwells.[4] Whatever the facts may be as to the charge that he threatened to destroy the Temple,[5] we may be sure that he spoke of its coming destruction rather in the prophetic manner of a punishment to come upon the nation than as a divine judgment against the Temple itself.

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[1] *Cf.* Moffatt, *Introduction,* pp. 225f.

The loyalty to the religion of Israel implied in this appreciation of synagogue and Temple is abundantly corroborated. Mark tells of only one of the religious festivals in which Jesus took part, the final Passover, but the matter-of-fact way in which the disciples inquire concerning

[2] Mk. i, 21; iii, 1; vi, 2. [3] i, 39.
[4] xi, 27; xi, 15-18; xii, 35; xiv, 49; Mt. xxiii, 21.
[5] xiv, 58 and xv, 29; *cf.* xiii, 2ff.

their preparation for it indicates that this one act was no departure from his usual custom.[6] Even clearer evidence is afforded by the general fact that the subjects on which we find Jesus expressing himself in his teaching—the coming of the Kingdom, its nature, the proper observance of the Sabbath, fasting, clean and unclean foods, the most important commandment, the resurrection, divorce, the payment of taxes to the emperor—come out of the heart of Jewish piety. To this must be added the fact that Jesus undertook no mission outside of the borders of the land of Israel.[7] The appearance of these indications in a gospel of the Gentile church gives us our point of departure. The religion of Jesus expressed itself through the medium of Judaism rather than in opposition to it.

Two passages illustrate in detail this general fact. They both require some discussion. The first is a very small point. Mark speaks of how the people sought to touch *τοῦ κρασπέδου τοῦ ἱματίου*, the tassel (ציצית), or fringe of his garment.[8] That this is what is meant by *κρασπέδον* is made plain by the use of the word in the

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[6] xiv, 12.

[7] See above, pp. 86f. In the journey through the borders of Tyre and Sidon we are told that "he wished no one to know" (vii, 24). No incident of this journey is recorded except the healing of the daughter of the woman who forced herself upon him.

[8] vi, 56.

LXX,[9] and by the usage of Matthew.[10] This *zizith* or tassel commanded by Numbers adorned the garments of loyal Jews. "The *zizith* in fact served as a Jew's uniform whereby he was recognised and distinguished from a Gentile. Hence a Jew must not sell a fringed garment to a non-Jew unless the fringes are removed."[11] Obviously such matters of dress must have been dictates of custom and social habit rather than of theology, but they were customs only of good Jews.

The second passage describes an occasion when Jesus had to deal with a case of leprosy, instructions concerning the handling of which are given in Leviticus. I cite the incident (Mk. i, 40-45) partly because of its contribution to the theme under discussion and partly because more has been drawn from the story by some writers than in my opinion we are warranted in deducing. Mark states that a man suffering with leprosy came begging Jesus to heal him. Jesus did so, then sent him away with the injunction: "Go show thyself to the priest and offer for thy cleansing the things which Moses commanded, for a testimony to them." In thus sending him to the priest and enjoining the customary sacrifices, Jesus refused to deviate from the procedure laid down in the Torah for all such cases.[12]

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[9] See Dt. xxii, 12 and Nu. xv, 37.

[10] Mt. xiv, 36; ix, 20, and xxiii, 5 (*πλατύνουσι γᾶρ φυλακτήρια αὐτῶν, καὶ μεγαλύνουσι τὰ κράσπεδα.*)

[11] Jewish Encyclopedia, Vol. V, p. 522.

One phrase in Jesus' command to the sufferer calls for further discussion. What is the meaning of *εἰς μαρτύριον αὐτοῖς*? As a witness of what? Several commentators have interpreted the words to mean "as proof that Jesus keeps the law." Thus Allen: the offering was "to the priests, but not to assure them that the man was healed. The priests would exercise their own judgment as to this before the customary offerings were made at Jerusalem. The clause can only refer to the supposed hostility of Jesus to the law."[13] But this is to carry the point too far. If Jesus had been trying to prove something about himself, he surely would not have enjoined the man to silence. The natural meaning of the sentence is certainly, "that all may know in the official way that you are cleansed." We are hardly warranted in reading into the incident evidence that Jesus sent embassies to Jerusalem to prove his correctness as to the law.

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[12] Several critical questions have been raised concerning this narrative in Mark. It has been argued that the story as we have it represents the transformation of a natural event into a miracle. According to this view, in the original form of the story the man did not ask Jesus to heal him but rather to pronounce him clean in formal manner since he had already recovered. Jesus refused to do this and instead sent the man to the high priest for the official pronouncement as Leviticus requires. This natural event was later transformed into a miracle of healing. This view of the incident, if correct, does not change the significance of the story for our purposes. The refusal of Jesus to deviate from the procedure laid down in Leviticus would only be thrown into stronger light by the specific request that he do so.

[13] Allen *St. Matthew,* p. 75. *Cf.* Plummer *St. Matthew,* p. 125; McNeile *The Gospel According to St. Matthew,* p. 103.

One further detail of this story, if it be authentic, is of some significance. Jesus is said to have touched the leper in order to heal him.[14] This was not against the law, but since the leper was unclean would involve ceremonial defilement.[15] We shall have a number of occasions to observe that Jesus seemed to have little interest in such types of uncleanness. In the presence of suffering and need, which he felt that he could alleviate, he freely ran the risk of ceremonial defilement.

These are two illustrations of the very evident fact that Jesus was no rebel against the Jewish social order. They do not carry us very far, however, into Jesus' own thought. The actions thus far mentioned would be largely matters of routine to all who continued to participate in Jewish social and religious life. What we want to know is how completely Jesus accepted the authority of this religion of which he was an active adherent. We have seen in Chapter II that the foundation of Judaism in the first century was the belief in the finality and perfection

[14] According to Mk. Jesus generally healed by touching. See i, 31; v, 41; vi, 5, and especially viii, 22.

[15] Lev. xiii, 46.

of the law of Moses. To Judaism, religion had already been "revealed." But Jesus was a teacher of so great force and originality that the people held him to be one of the prophets.[16] Our problem is to determine the attitude which this prophet of Galilee took toward that authoritative revelation.

The first conclusion to which one is led by the data in Mark is that Jesus regarded the Jewish Scriptures and therefore in special degree its most sacred portion, the books of law, as divinely inspired writings. This will hardly be disputed. This is evidenced in the first place by a specific assertion to that effect, and in the second place by Jesus' whole attitude toward and use of the Scriptures.

The specific statement is found in the much debated section in which Jesus discusses whether or not the Christ is David's son. Quoting Ps. cx, 1, he declares that David, the presumptive author of the psalm, spoke "in the Holy Spirit" (*ἐν τῳ πνεύματι τῷ ἀγίῳ*).[17] That these words refer to prophetic inspiration or inspiration by the divine spirit is made clear by the citations from rabbinic literature in Strack-Billerbeck's *Kommentar*.[18] The idea is the same reverent one found in Acts where Peter declares that David "being a prophet . . . seeing into the future, spake of the resurrection of Christ."[19] If Jesus believed that the Psalms were spoken by the Holy Spirit, we may feel sure that he held the same view as to the books of the law, for the former belonged to the latest and least revered section of the Scriptures.[20] The only question concerning this passage is whether we may take it as containing authentic words of Jesus or whether the section is a product of the early church. The latter view has been maintained chiefly on the ground that had Jesus uttered the words in this passage the belief in his Davidic descent could never have developed in Christian tradition.[21] The argument, however, seems to point in the opposite direction. This saying could not have been produced by the church *after* the belief in the Davidic descent became established, for the saying both controverts the assertion that the Messiah is David's son and attributes this view to the *scribes*. But the belief in the Davidic descent of Jesus goes back to the very earliest days of the church. We find it in one of the early sources of Acts as well as in a

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[16] Lk. vii, 16; vii, 39; xxiv, 19; Mt. xxi, 11; Mk. vi, 15; viii, 28.

[17] Mk. xii, 36 quoting from Ps. cx, 1.

[18] S-B, Vol. II, pp. 30, 31, 134-7. *Cf.* Moore, Vol. I, p. 237, note 1: "The phrase 'the Holy Spirit' is very rare in the Old Testa-

ment (Is. lxiii, 10f, Ps. li, 11) and never in connection with prophecy. It is common in rabbinic literature of prophetic inspiration and the inspiration of Scripture."

[19] Acts ii, 30f.

[20] See above, Ch. I, p. 27n.

[21] E.g. Bultmann, *Die Geschichte der Synoptischen Tradition*, pp. 35 and 83.

later section.[22] It appears in both genealogies which are obviously older than their present setting.[23] It appears as an accepted item of Christian faith in Paul's letter to the Romans and in the Apocalypse.[24] If the passage under consideration is earlier than this belief in the Davidic descent, it would seem to belong to the earliest strata of the tradition. We can then fairly accept the quotation and its introductory formula as evidence of Jesus' instinctive attitude.

To depend too much on an introductory phrase, however, is precarious. In this case it is unnecessary. This attitude is amply attested and illustrated by the use which Jesus makes of the Scriptures. He quotes law, prophet, or "writing" as the final authority in matters of religion, regarding in rabbinic fashion the wording of the text as literally inspired. In the passage just discussed he unhesitatingly demonstrates that the Messiah is not in some sense David's son from the phrasing of a sentence in the psalm. A better illustration, better because it is recorded at greater length and because its authenticity is unquestioned, is the reply which he made to the question of the Sadducees concerning the resurrection. The text, "I am the God of Abraham, and the God of Isaac, and the God of Jacob," is taken as proof of the resurrection of the dead by a literal exegesis quite in the rabbinic manner.[25]

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[22] Acts ii, 30 and xiii, 23.

[23] Mt. i, 6 and Lk. iii, 31.

[24] Rom. i, 3 and Apoc. xxii, 16.

To the Scriptures Jesus turns for support and defence in a number of instances in which literal exegesis such as the above is not employed. When criticised for permitting his disciples to pluck grain on the Sabbath, he cites as precedent the story of David and the shewbread.[26] When in indignation he drives those trading in sacred money and sacrificial beasts out of the temple, he quotes Isaiah and Jeremiah as revealing the true purpose of the Temple.[27] When, as we shall see later, his opponents faced him with a denial of the authority of the Torah in the case of divorce, it is to words in Genesis that he goes for authoritative support for his view.[28] To the Scriptures he turned for light also on the perplexing problem of his own imminent fate. Though a number of specific quotations placed in his mouth in connection with the passion are hardly authentic, it is quite likely that he found in the sacred writings, as the gospel writers repeatedly affirm, assurance that a path of suffering was in accordance with God's

[25] Mk. xii, 26f.

[26] ii, 26, citing I. Sam. xxvii, 1-7.

[27] xi, 17, citing Is. lvi, 7 and Jer. vii, 11.

[28] x, 6.

will.[29] And in the last moments of his life we find upon his lips the opening words of the twenty-second psalm.[30]

It is not surprising then to find that he regarded the Scriptures as containing the moral requirements of the coming kingdom. Of this the clearest instance is the occasion when a rich man asked: "What shall I do to inherit eternal life?" Jesus was content to reply: "Thou knowest the commandments. Do not commit adultery, do not kill, do not steal, do not bear false witness, defraud not, honour thy father and thy mother." [31] On another occasion we have a similar utterance. On being questioned, Jesus declared that the chief commandment of all was that contained in Dt. vi, 4f, and Lev. xix, 18. When his interrogator expressed approval and even expanded the meaning of these commands, Jesus said to him: "Thou art not far from the Kingdom of God." [32] This important incident is related somewhat differently in Luke in a narrative which is shown by the agreements with Matthew against Mark to come from the Q source. According to this Q account, it is the scribe who selected these commands as greatest of all, whereupon Jesus said to him: "Thou hast answered rightly; do this and thou shalt live." This version seems the more original,[33] though for our immediate purposes the Marcan form of the story would serve almost as well. Just as Jesus directed the rich man seeking the way to eternal life to the law, so also he declared to this scribe that obedience to these words of Torah would bring admission into "life."[34]

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[29] Mk. ix, 12 and xiv, 21. The passages in mind were perhaps the servant songs of Isaiah.

[30] xv, 34.

[31] *τὰς ἐντολὰς οἶδας, κτλ.* x, 19, citing Ex. xx, 12-16. There are some grounds for the omission of *μὴ ἀποστερήσῃς*, which may have been added as appropriate for a rich man. *Cf.* Montefiore, Vol. 1, p. 240.

[32] xii, 28-34. *Cf.* Mt. xxii, 34ff. and Lk. x, 25ff.

All this supplies content to the phrase when we find Jesus referring to the Scriptures as *τὴν ἐντολὴν τοῦ θεοῦ,*[35] and *τὸν λόγον τοῦ θεοῦ.*[36] It is the natural reverent attitude of one reared in a pious Jewish home—one which produced James, "The Just," as well as Jesus—and educated by the services in the synagogue. It is in line with other beliefs of Jesus which are thoroughly Jewish. His conception of God is that taught in the synagogue. God is "the lord of heaven and earth,"[37] the judge who shall recompense each man according to his deeds,[38] "the God of Abraham, Isaac, and Jacob";[39] he is "our father," or "your heavenly father."[40] He regarded Jerusalem as in a special sense a holy city—it is "the city of the Great King."[41] He revered the Temple and appreciated its sacrifices.[42] As remarked above, he confined his mission to the people of Israel and the Gentiles are compared to dogs who should not take the bread from the children.[43] His attitude toward the Roman power is the same as that of the majority of the Pharisees.[44] And the theme of his teaching and the object of his work was that "kingdom of heaven," prayer for which was "one of the most constant elements" in the liturgy of the synagogue.[45] Thoroughly in accord with these convictions is his natural and unquestioning acceptance of the Jewish Scriptures as the revelation of God.

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[33] The Q account is preferable for two reasons: (1) Christian tradition would naturally tend to convert Jesus' approval of a noble saying into his utterance of it. The opposite process would certainly not take place. (2) The Marcan account itself seems to show a recollection by the tradition that on this occasion the scribe made a striking answer which won Jesus' unqualified approval. Note verses 32-34.

[34] For the equivalence of "eternal life" and "Kingdom of Heaven," see Dalman, *Words of Jesus,* pp. 161-2.

[35] Mk. vii, 8.

[36] Mk. vii, 9 and vii, 13.

[37] Mt. xi, 25 = Lk. x, 21. *Cf.* Aboth vi, 10 and the references cited in S-B, Vol. II, p. 176.

Turning now to the other half of the Torah, the oral law, we must speak with special caution. The exact attitude of Jesus to the oral law is one of the points on which there is contradictory evidence in the gospels. But this much can be said at the outset. In the light of the above evidence of a piety nourished in the synagogue, it is inherently improbable that Jesus at the beginning of his work made a sweeping and doctrinaire distinction between the written and the oral Torah. From what has been said in Chapter II, it is clear that these two were inseparable. The oral law furnished the necessary supplement to make workable many precepts summarily stated in the Scriptures. It mitigated in numerous instances the severity of the older written code. It underlay and formulated much of the accepted and normal practice of everyday Jewish life. In view of this close connection between written and oral Torah it seems unlikely that Jesus should have accepted the one unquestionably and rejected the other *in toto*.

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[38] The term "judge" is not applied to God in our records of Jesus' teachings, but the concept is repeatedly emphasized. See Mt. vii, 2; x, 15; xi, 22, 24; xii, 36, 44, etc. *Cf.* Aboth ii, 19; iii, 20; iv, 29 etc.

[39] Mk. xii, 27.

[40] Mt. vi, 9, 14, 26, etc. *Cf.* Sirach xxiii, 4; li, 10; Aboth v, 23, iii, 19. See also McGiffert *The God of the Early Christians*, p. 14-16.

[41] Mt. vi, 36.

[42] See above, and Mt. v, 24.

[43] Mk. vii, 27.

[44] Mk. xii, 17. *Cf.* Aboth iii, 2 and the passages cited in Abrahams (1st Series), chap. viii ("Give Unto Cæsar").

[45] Moore, Vol. II, p. 373.

That Jesus was in full agreement with much of the oral law is not only likely *a priori* but is attested by the gospels. His constant attendance on and evident appreciation of the synagogue is clear. This was an institution sanctioned and regulated by the oral law only.[46] He approved the sacrificial system, the performance of which, as Moore has pointed out, was dependent upon the provisions of the oral law.[47] According to Matthew, Jesus set his disciples the example of paying the half-shekel tax for the support of the Temple, but this annual tax was a requirement of the oral law, a Pharisaic regulation, opposed by the Sadducees.[48] When he cleansed the Temple we are told that he would not permit any one to carry a vessel through the sacred enclosure, an act which seems to be an enforcement of the requirement of the Mishna that the Temple court be not used as a thoroughfare.[49] In his daily routine he obeys certain of the requirements of the oral law; he practises grace at meals and sets a public example in this respect,[50] he has blessings over wine at table,[51] and in eating the Passover he follows instructions as to reciting the Hallel.[52] In certain instances we find Jesus citing from the oral Torah guiding moral principles in the same fashion in which he appeals to such principles in the Scriptures. When asked on a Sabbath to heal a man with a withered hand, he turned to the Pharisees and asked: "Is it lawful on the Sabbath day to do good, or to do harm? to save life or to kill?"[53] This principle, that it is lawful to save life upon the Sabbath, is a definition of the oral law only, the written Torah prohibiting without qualification work upon the Sabbath.[54] Similarly he appealed to the oral laws which permitted on the Sabbath deeds necessary for the care of animals.[55] In all this we see that Jesus accepted and obeyed much of the oral law. He did not come before his countrymen urging obedience to the written Torah and rejection of or disobedience to its oral counterpart.

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[46] See above, p. 34.

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[47] Mt. v, 24 and especially Mt. xxiii, 17 and 19. *Cf.* Moore, Vol. I, p. 251.

[48] Mt. xvii, 24, see above, p. 14f.

[49] Mk. xi, 16. *Cf.* Berakoth ix, 5.

[50] Mk. vi, 41; viii, 6; xiv, 22.

[51] Mk. xiv, 23.

[52] Mk. xiv, 26. For these illustrations from Jesus' personal routine I am indebted to Rabbi Cohen. See his paper, "The Place of Jesus in the Religious Life of His Day" in *The Journal of Biblical Literature,* Vol. XLVIII, pp. 82ff (Parts I and II, 1929).

There is, however, another fact in the light of which all the material thus far presented must be viewed. The evidence as to Jesus' attitude toward the Torah is for the most part either indirect or it is brought out by some dispute with his opponents. Apart from these controversial occasions his sayings are stated largely without reference to the words of the Torah. He makes no effort to rest his teaching constantly upon the authority of law book or prophet. He was a scribe neither in training nor in point of view. His hearers said of him that "he taught as one having authority and not as the scribes."[56] His teaching is not cast in the mould of the halachist. One need only examine a tractate of the Mishna and compare it with the gospel records to have this fact clearly demonstrated. In the former, the appeal to Scripture, or rather the endeavour to fit teaching and Scripture together, is constant; in the latter, save on controversial occasions, it is rare.[57] Gilbert sums up this aspect of the matter in these words: "In the oldest Gospel, Jesus makes only slight voluntary use of the Old Testament. It is almost always in meeting criticism or in answering questions that he cites Scripture. . . . The appeal to reason and to the religious nature of man is here in striking contrast to the appeal to Scripture."[58] Albertz writes in similar vein of the controversial passages themselves: "Much more surprising is it that the proof from Scripture is only rarely, in part only secondarily, drawn upon. Of the seventeen discourses eight omit all reference to word of Scripture, another one connects itself only in form to the Scripture . . . only eight offer anything like a Scripture proof. The proof from Scripture is accordingly in Jesus' mouth not a necessary proof from the only valid authority, but a means with which he silenced his opponents." [59] These statements go too far, but they emphasise what is one of the fundamental aspects of Jesus' teaching, namely, that he was a preacher of the coming Kingdom and its righteousness, not a theologian discussing accepted doctrines as to the oral or written Torah. While there is no doubt that he regarded his message as being thoroughly in accord with the spirit and meaning of the Torah, he was not concerned to establish a detailed relationship between the two. It is a significant fact, and one on which all the sources agree, that Jesus did not initiate the debates with the scribes or Pharisees as to the validity of the law. The proper approach to our problem, then, is not to state it in formal or systematic manner, asking what Jesus taught about the oral or written law, but to raise this question: When his opponents charged him with deviating from the teachings of the Torah, what did he reply? This is certainly the right approach. I turn, therefore, to a consideration of the material in the gospel in which such conflicts are recorded.

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[53] Mk. iii, 1-6.

[54] See S-B, Vol. I, pp. 623f., Abrahams *op. cit.* (1st Series), pp. 131f., and Moore, Vol. II, pp. 30f. These rabbinic rulings are to be compared with Ex. xx, 9; xxiii, 12; xxxi, 15; Dt. v, 14.

[55] Mt. xii, 11; Lk. xiii, 15; xiv, 5.

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[56] Mk. i, 21.

[57] In Mk. there is no case where Jesus appeals to Scripture to authenticate his teaching except when engaged in controversy. Mk. xii, 36 appears to be such an instance but the opening words of verse 35 suggest that it was controversial also. With this compare rabbinic custom. I quote from Cohen's discussion of "The Use of the Bible in the Talmud" in his introduction to his edition of the tractate Berakot: "The Teaching of the Talmud is based on the Hebrew Scriptures. Almost every idea and every practice is explicitly derived from that source. The Rabbis constantly refer to a Scriptural passage for confirmation of their teaching. The Bible is made to bear the weight of the immense mass of rabbinic doctrine." (*Berakot,* pp. xxvf.)

[58] Gilbert, *Jesus and His Bible,* p. 120.

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[59] Albertz, *Die Synoptischen Streitgespräche,* pp. 72, 73.

The first two episodes to be discussed involve no direct violation of the Torah. They record Jesus' refusal to comply with certain practices which groups in his day felt to be implied by Torah. They serve to set forth, however, his conception of piety and his understanding of what the Torah commanded.

## The Controversy over Eating with Sinners
## —Mk. ii, 13-17

The first conflict pertinent to our problem recorded in Mark is the story of the feast in Levi's house. This collector of the tolls, whom the first gospel calls Matthew, having become a disciple, gave a great dinner at which Jesus ate with many of Levi's friends and associates. "The scribes of the party of Pharisees," seeing that he thus ate with "publicans and sinners" (*τελωνῶν καὶ ἁμαρτωλῶν*) were not only shocked but were open in their criticism.

The publicans, or collectors of the customs, had the reputation of consistently making excess charges, and in rabbinic literature the phrase "publicans and robbers"[7] parallels the "publicans and sinners" of the gospels.[60] In the second place, they were notoriously apostate from the law, so much so that we find later the regulation that if any Haver become a publican, he shall be immediately dropped from the association.[61] They were despised by the pious, and their families with them as approving of their manner of life. Their money was not accepted for the public alms chest, and like the 'amme-ha-'ares in general, they were declared unfit to serve as witnesses.[62] The term ἁμαρτωλοὶ has occasioned debate but need not detain us. It designates, in a word, those who did not keep the law, and while individuals who merely disregarded what we might call the ritual laws would fall in the group,[63] there is no reason for confining the word in this connection to such persons. The publicans, with whom the sinners are grouped, undoubtedly justified to some extent the general reputation for extortion which they enjoyed.[64] The story of the anointing of Jesus in

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[60] See S-B, Vol. I, pp. 378f. and Abrahams, Ist Series, p. 55f.

[61] Tos. Demai, iii, 4 quoted by S-B, Vol. I, p. 379.

[62] *Ibid.*

[63] Such are the primary charges against the 'amme-ha-'ares from whom the scribes and the Pharisees kept themselves separate. See the material in S-B, Vol. II, pp. 497ff.

[64] Note that Zacchias, another publican who became a disciple, gave immediate consideration to restoring goods he had falsely exacted—Lk. xix, 8. Note also the way in which τελῶναι and ἁμαρτωλοὶ are equivalent in the parallel passages, Mt. v, 46 and Lk. vi, 33.

Simon's house by a woman who had been a sinner serves also to indicate that Jesus did not avoid contact and even friendship with those who were morally culpable.[65] He himself in the story before us contrasts the "sinners" with the "righteous," and quotes the proverb that it is "those who are sick" who need the physician. With such individuals, the whole class of those who stood outside the pale of the law, Jesus mingled freely and sympathetically. He lodged with Zacchaeus on his own initiative;[66] and called Levi from the toll-house itself. Certainly the majority of the Twelve were classed as 'amme-ha-'ares. One of the constant criticisms aimed at him was that he was a "friend of publicans and sinners."[67]

The attitude of the Pharisees, which through their rapidly growing influence was establishing itself as the position of orthodox Judaism, is well-defined. From those who were known to be neglectful of the law—ceremonial cleanness and correct payment of the tithes being the items uppermost in the discussions and apparently the most flagrant points of neglect—the pious must largely keep apart. To eat in the house of such a person would probably entail consumption of food upon which the tithes had not been paid or food improperly killed, prepared, or served. It would also probably involve personal defilement through contact with garments, dishes, or articles of furniture ceremonially unclean. To buy food from such a person was to run similar risks, and to sell fruits and grains to one was to expose that much more of the produce of the land to improper handling. Furthermore, there was another danger besides the fear of actual transgression or defilement. "Why should one not eat with people of the land?" reads a passage in the Gemara. "Because one might feel drawn to accept their manner of life."[68] Abrahams has presented with great clearness this side of Pharisaic thought. With publicans and sinners, people of immoral character, a rabbi would not want to associate but especially would he not want to eat. For the meal was more than food; it was fellowship, intellectual and moral as well as social.[69] Hence those who joined the Pharisaic societies pledged themselves not to be a guest in the home of a person of this class, nor entertain one unless his outer garment were left on the outside. Commercial dealings with them were restricted. Marriage with the class was viewed with abhorrence. They were not to be summoned as witnesses nor entrusted with public office.[70] Pharisaism thus acted on the principle of avoiding contact with the wicked, and Jesus as the friend of publicans and sinners became notorious.

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[65] Lk. vii, 36ff.

[66] Lk. xiv, 5.

[67] Mt. xi, 19; Lk. vii, 34. *Cf.* Lk. xv, 2.

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[68] Berakot, 43b. Quoted by S-B, Vol. I, p. 498.

[69] 1st Series, pp. 55 and 56 especially.

By the mere act of eating with "people of the land," Jesus violated no precept of the Torah, but in so doing he disregarded utterly the basis upon which Pharisaism was erected, namely separation from those who did not keep the law exactly lest one be involved even unconsciously and against one's will in transgressions of Torah. In the homes of the 'amme-ha-'ares Jesus probably ate no prohibited foods—custom and ordinary courtesy to a great religious teacher would take care of that—but he did run the constant risk of ceremonial defilement and of eating untithed foods. And he also threw the weight of his personal influence and example against the program of social and religious ostracism which Pharisaism had instituted. Why did he do this?

This is the question which the scribes of the party of the Pharisees asked of his disciples. We have recorded Jesus' own answer: "Those who are well do not need the physician but those who are sick. I came not to call the righteous but sinners."[70a] This answer is very significant. It carries us far in understanding Jesus' conception of goodness and duty, of what it is that God wants most.

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[70] See the well-organised presentation of the data as to the associations of the pious on the one hand and the 'amme-ha-'ares on the other in S-B, Vol. II, pp. 494-519. See also Moore, Vol. II, pp. 70-78 and 156-161; Abrahams, 1st Series, pp. 54-61; and the excursus in Montefiore, *The Synoptic Gospel,* Vol. II, pp. 647-669.

In the first place we must note the consciousness of a mission reflected in the saying. That is the meaning of *ἦλθον*, as its repeated use shows.[71] What Jesus was doing was of set purpose. It represented his conception of his work.

According to the saying before us, this mission was to call sinners. He did not come to the righteous because they did not need it. In other words, he saw his work as a mission to those who were unrighteous in Israel, to call them to repentance and the righteousness of the Kingdom. It is in Luke only that we find the words: "The Son of Man came to save the lost,"[72] but the idea is to be found in all of the sources. A quotation from Abrahams puts the matter clearly and concisely: "There was in all ages a real anxiety to make the return of the sinner easy. [But] it was inclined to leave the initiative to the sinner, except that it always maintained God's readiness to take the first step. . . . One might put it generally by asserting that the rabbis attacked vice from the preventive side; they aimed at keeping men and women honest and chaste. Jesus approached it from the curative side; he aimed at saving the dishonest and the unchaste."[73]

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[70a] *Οὐ χρείαν ἔχουσιν οἱ ἰσχύοντες ἰατροῦ ἀλλ' οἱ κακῶς ἔχοντες· οὐκ ἦλθον καλέσαι δικαίους ἀλλὰ ἁμαρτωλούς.*

[71] The word is used in this sense in the following passages:
In the Marcan tradition,
Mk. ii, 17 = Mt. ix, 13 = Lk. v, 32 (*ἐλήλυθα*).
Mk. x, 45 = Mt. xx, 28.
In the Q tradition,
Mt. xi, 18, 19 = Lk. vii, 33, 34 (*ἐλήλυθα*).
Mt. x, 34 = ?Lk. xii, 51 (*παρεγενόμην*).
In the peculiar traditions,
Mt. v, 17; Mt. xi, 32; Lk. xix, 10.
This multiple attestation shows that we are dealing with an original element in the tradition. The several uses indicate that it refers to carrying on a mission, not to mere actual presence. *Cf.* on the expression, McNeile, *The Gospel According to St. Matthew*, p. 58, note on v, 17.

[72] *Lk.* xix, 10.

Jesus, then, regarded the endeavour to save those who were unrighteous as a primary element in obeying the true will of God. In comparison with that he evidently felt that incurring ceremonial defilement and eating untithed or improperly prepared food was of quite secondary importance. Certain of the laws thus neglected belonged to the oral tradition, certain others, notably the law of tithes and the laws of uncleanness of vessels, clothing, and furniture, were Biblical. There is no evidence that Jesus makes any distinction between the two groups. He refused to let these precepts, even though they stood in the text of Scripture, hinder or prevent his mission to those children of Abraham whom he felt most needed his message.

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[73] Abrahams, 1st Series, pp. 58 and 59.

## THE CONTROVERSY OVER FASTING—Mk. ii, 18-20

The disciples of John and the Pharisees were fasting. Unfortunately we do not know for certain the motive of the fast. The occasion may have been one of the public fasts customary in time of severe drought.[74] More likely, the fast was an expression of individual piety, a supplication to God on behalf of the nation and its sins. That such private voluntary fasts were performed by individuals who desired to be especially righteous, is clearly established.[75] One such individual is pictured in the parable of the self-righteous Pharisee and the humble publican.[76] That John had a reputation for fasting, we also know.[77] That there was a regular time for such fasting, Mondays and Thursdays, would explain why both groups were fasting at the same time.

The reply which Jesus makes throws little light on his attitude toward fasting and we are driven to other material for our answer. He had no objection to fasting as a personal religious expression, as is shown by his specific injunctions to disciples as to how they should fast.[78] Nevertheless, his own reputation was distinctly non-ascetic—"The Son of Man came eating and drinking."[79] He had no sympathy with regular and less with ostentatious fasting as an expression of special piety. His convictions as to the direction in which goodness should express itself moved in a quite different direction.[80]

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[74] So McNeile, *op. cit.,* p. 120.

[75] Fasting in Judaism in this period is thoroughly discussed by Moore, Vol. II, pp. 55-67 and 257-266; Abrahams, 1st Series, pp. 121-128; and S-B, Vol. II, pp. 242f.

[76] Lk. xviii, 12.

[77] See Mt. xi, 18. John also taught special prayers to his disciples (Lk. xi, 1).

## CONTROVERSIES OVER THE SABBATH

Immediately following the above incident in Mark's account are two stories of conflicts between Jesus and the Pharisees over the Sabbath. The other gospels add further stories of conflicts on the same issue. From the number of recorded criticisms of Jesus on this score it would seem that this, like his association with the 'amme-ha-'ares, was a point of constant irritation to the Pharisees. The matter being one, then, which came up repeatedly, we may expect to find in Jesus' defence an expression of his real views on the Sabbath rather than some answer of merely dialectic value.

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[78] Mt. vi, 16-18. *Cf.* also the story of the temptation.

[79] Mt. xi, 19. Lk. vii, 34.

[80] If the answer of Jesus recorded in Mark be genuine, then the fast of John's disciples probably was of a different character and had to do with the imprisonment or death of their leader. In that case the Pharisees would not also be fasting and mention of them in the story is an error of the tradition. Loisy *E. S.*, Vol. 1, p. 494; Montefiore, *The Synoptic Gospels,* Vol. 1, p. 88; and Rawlinson, *The Gospel of Mark,* p. 30 thus interpret the incident.

"The two fundamental observances of Judaism are circumcision and the Sabbath," writes Moore in his recent great work on the subject.[81] As for the Sabbath, it is often pointed out that God observed the day before man did and by so doing hallowed it.[82] According to the Book of Jubilees the two highest orders of angels in heaven observe these two rites, circumcision and the Sabbath.[83] So important indeed was the Sabbath that there is the oft-quoted saying: "If Israel should keep two Sabbaths strictly according to rule, they would be delivered forthwith." [84]

It is well to remember at the outset that the scribal tradition was moving in the direction of making more lenient the older unconditional character of the written law of the Sabbath. This is shown by a comparison of the halacha of the Book of Jubilees on this point with that of the Mishna.[85] It is natural to attribute this tendency largely to the School of Hillel which in general was more humane and lenient in its interpretation of the law than its opponent. If so, these qualifications of the unconditional written precept were in process of being adopted in Jesus' day, for the School of Hillel was not in full power until after 70 A.D. One can speak with more certainty, however, of another development of the period, the elaboration and multiplication of the laws of the Sabbath which applied the older law to new situations and hedged the day with additional regulations. For this amplification and expansion of the older halacha was very largely the result of the discussions of the two rival schools.[86] While, then, there was a growing spirit of opposition to some of the stricter decisions of the older school, this was accompanied by a more exact definition of the law and therefore its stricter enforcement.

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[81] *Judaism,* Vol. II, p. 16.

[82] Gen. ii, 2; Ex. xx, 8.

[83] ii, 18, 19 and xv, 17.

[84] Shabbath, 118b.

[85] See Moore, Vol. II, pp. 26f. Note however note 2: "The differences in other fields are much wider than in the Sabbath laws."

These regulations defining and prohibiting work upon the Sabbath constitute, however, only one of two phases of the rabbinic teaching concerning the Sabbath. In addition to these restrictive regulations, we find a great number of rules and maxims which aim at establishing and insuring the joyous, festive character of the

[86] *Cf.* Moore, *op. cit.*, Vol. II, p. 87.

day.[87] Of these only one illustration need be cited, an illustration chosen because of its similarity to a passage in the gospels. The saying is attributed to R. Simon ben Menasya and also to R. Jonathan ben Joseph: "Behold Ex. xxxi, 14, commands, 'Observe the Sabbath, for it is holy for you'—that means, the Sabbath is given for you, and not you for the Sabbath." [88] Such a saying shows the spirit with which many of the rabbis undoubtedly regarded the day, but this attitude was coupled, of course, with an insistence on obedience to the exact requirements of the law.

This brings us to the narratives of Jesus' conflict with the scribes.

### A. THE CONTROVERSY OVER PLUCKING GRAIN ON THE SABBATH—Mk. ii, 23-28

Passing through some fields of grain the disciples of Jesus plucked the grain and ate it as they went. This deed came under the head of reaping, which, as one of the thirty-nine primary acts of labour, is prohibited on the Sabbath.[89] Moore calls attention to the fact that rubbing out the grain with the hands—a detail mentioned only by Luke but clearly implied in the other sources—would also come under the head of threshing.[90] Thus there is no doubt of the violation of the fourth commandment according to the scribal definition of "work." Incidentally, it is worth noting how frequently it is an act of the disciples rather than of Jesus himself which calls forth criticism. It was their failure to fast, their act of plucking the grain on the Sabbath, and their failure to wash the hands before eating which caused objections. Taking the group as a whole, the disciples were obviously members of the 'amme-ha-'ares, people who did not keep the laws with exactness, a fact which throws light on the early history of the church in Acts. Jesus, however, in each case approves of their behaviour.

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[87] See the material in Abrahams, 1st Series, pp. 129-135 and S-B, Vol. 1, pp. 611-15.

[88] Mekilta on Ex. xxxi, 13 (109b), Yoma 85b, quoted by S-B, Vol. II, p. 5.

[89] Shabbath, vii, 2.

In his defence of their deed Jesus turns to an incident in the life of David. "And he said unto them, Did ye never read what David did, when he had need and hungered, he, and they that were with him? How he entered into the house of God when Abiathar was high priest, and did eat the shewbread, which it is not lawful to eat save for the priests, and gave also to them that were with him?"[90a] To this citation of precedent two further verses are added, the introductory formula, *καὶ ἔλεγεν αὐτοῖς*, being repeated. Verse 27, however, is probably not original. It appears in neither of the parallel passages in Mt. and Lk., though both follow Mk. closely. It is also lacking in D aceff$^2$i, and a portion of the verse is omitted in W and Syr$^{sin}$. It appears then to be a "Western non-interpolation," and the evidence is decidedly against its having stood in the original text of Mark.[91] The interpretation of verse 28 depends upon the meaning which one attaches to the phrase *ὁ υἱὸς τοῦ ἀνθρώπου*. If with recent scholars we take it as a mistranslation of the Aramaic bar nasha = man (*cf.* the Hebrew, בוארמ ), the verse becomes an emphatic assertion of the superiority of man over the Sabbath. Such an interpretation brings the verse in line with the thought of preceding words, and avoids the difficulty otherwise created, that in this instance only Jesus claims a special personal authority over the Sabbath. Unless the verse be rejected as a later Christian addition, that seems the view which should be adopted.[92]

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[90] Vol. II, p. 29, note 2.

[90a] *καὶ λέγει αὐτοῖς· οὐδέποτε ἀνέγνωτε τί ἐποίησεν Δαυείδ, ὅτε χρείαν ἔσχεν καὶ ἐπείνασεν αὐτὸς καὶ οἱ μετ' αὐτοῦ; πῶς εἰσῆλθεν εἰς τὸν οἶκον τοῦ θεοῦ ἐπὶ Ἀβιάθαρ ἀρχιερέως καὶ τοὺς ἄρτους τῆς προθέσεως ἔφαγεν, οὓς οὐκ ἔξεστιν φαγεῖν εἰ μὴ τοὺς ἱερεῖς, καὶ ἔδωκεν καὶ τοῖς σὺν αὐτῷ οὖσιν;*

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[91] That it was a familiar saying in the synagogue is clear from the fact that virtually the identical saying is attributed to both R. Simon ben Menasya and Jonathan ben Joseph. The rabbinic evidence shows that it was often cited in connection with the principle that the saving of life on the Sabbath was permissible.

[92] Jackson and Lake, *The Beginnings of Christianity,* Vol. I, p. 378 list this as the clearest case of such mistranslation. See also

The heart of the incident, the citation of David's example, calls for several words of comment. In the first place, it is very obvious that Jesus does not in this instance defend his disciples by protesting against the definition of their act as work. He accepts the scribal ruling on this point without debate—a fact which points strongly against the view that his opposition was solely to the oral rulings of the scribes. Accepting at its face value the charge that his disciples were engaged in work, he justified their deed by appeal to David's action recorded in I Samuel. This incident had not been unnoticed by the scribes, and Strack-Billerbeck quote two passages in which it is discussed at length.[93] In both these the point is stressed that David's hunger had reached the point of necessity, a fact not specifically mentioned in I Samuel, and the danger to life thus entailed justified his violation of the law of the shewbread. Jesus probably had the same idea in mind when he spoke of what David did "when he had

Menzies, *The Earliest Gospel,* p. 90, Allen, *St. Matthew,* pp. 127, 128, McNeile, *St. Matthew,* p. 170, and Montefiore, *The Synoptic Gospels,* Vol. I, pp. 76f. On the other hand Rawlinson, *The Gospel According to Mark,* p. 34 rejects this view, and regards the verse as "a Christian comment." But Rawlinson accepts (apparently) verse 27. Klostermann, *Das Marcus Evangelium,* 2te Aufl., p. 36 also regards verse 28 as unauthentic.

[93] Menahot 95 b and the midrash Yalkut Shim'oni (quoting the Yelammedenu) to I Sam. xxi, 5: quoted in S-B, Vol. I, pp. 618 and 619.

need and hungered." The difference between the rabbinic treatment of the story and that of Jesus is in the moral that is drawn. In the rabbinic passages it is made clear that it is only an actual danger of life which induced David to violate the law; Jesus cites his example as justifying the disciples in satisfying their hunger, though obviously they were in no danger of death. In Jesus' exposition of the incident, David acted on a principle capable of a wide application, one instance of which was the hunger of the disciples, the principle, namely, that the needs of men take precedence over ritual regulations. He does not repudiate the law of the shewbread nor the law of the Sabbath. He implies that both were to be kept, subject to the greater obligation of meeting human need. He is not "anti-Biblical," his precedent is in Scripture. But he interprets the law "not according to halacha," and this with a freedom which shows no sense of the necessity of obeying the literal commandment.

One further point needs to be noted. Jesus appealed to David's violation of the law of the shewbread and applied the incident to the law of Sabbath work. It is true that one of the midrashic discussions of the incidents states that David arrived at Nob on a Sabbath, but nevertheless it was the law of shewbread that he broke. The application of this to the Sabbath law is obviously only one of many uses to which the principle could be put. It would seem that Jesus had clearly stated to himself the principle that service of men and women was commanded by God as a primary duty and that laws of the ritual were subordinate to this chief commandment.

## B. THE CONTROVERSY OVER HEALING ON A SABBATH A MAN WITH A WITHERED HAND —Mk. iii, 1-6

It is clear that there were a number of such cases of healing on the Sabbath. Besides the one here described there are two others recorded in Luke's special source or sources.[94] To the criticism of his act in the instance before us Jesus replied in the following words: "Is it lawful on the Sabbath day to do good or to do harm? to save life or to kill?" (*ἔξεστιν τοῖς σάββασιν ἀγαθὸν ποιῆσαι ἢ κακοποιῆσαι, ψυχὴν σῶσαι ἢ ἀποκτεῖναι;*) The answer which the scribes would have given to this question has already been stated. They would have said that it was right to do any act on the Sabbath which was necessary for the preservation of life, but that the law did not permit acts of labour merely

[94] Lk. xiii, 10f. and xiv, 1f.

because they could be described as good deeds.[95] In the case of the man with the withered hand, it was clear that the man could have waited until the morrow without danger to life.

The significance of Jesus' answer lies in the fact that to his mind the two propositions, it is right to save life on the Sabbath and it is right to do good on the Sabbath, were in principle equivalent. In other words, he accepts the ruling of the traditional law that danger to life always supersedes the Sabbath as expressive of the inner meaning of the Torah, and he applies the principle to deeds of service to human welfare. To do good to others is a greater command of the Torah than to keep the law of rest on the Sabbath—that is Jesus' attitude. It is the same point of view which is expressed in the passage just discussed. It is the same attitude which we shall find expressed in another source in the argument that it is right to care for animals on the Sabbath and that men are of more value than sheep or oxen.

It has sometimes been argued that the defence which Jesus adopted on this occasion was only dialectic, that he simply appealed to a ruling of the oral law which he could use in the argument, and that his answer does not reflect his

[95] In Tanhuma B 20 (38b) (S-B, Vol. I, p. 624) the question whether it is permissible to heal on the Sabbath is directly asked and answered in this way.

own real thought. The suggestion is unimpressive. Jesus' answer was too much open to refutation to serve simply as a means of silencing hostile opponents. Jesus was setting forth his own understanding of the Torah, he was trying to convince and persuade.

It is, of course, obvious that in this episode Jesus reveals no antagonism to the oral law as such.

## THE CONTROVERSY OVER DIVORCE—Mk. x, 1-12

The attitude of Judaism in the first century toward marriage and divorce has been made sufficiently clear by Abrahams, Moore, and Strack-Billerbeck and need not be repeated in detail.[96] The essential elements are, that divorce was the act of the husband only, that he could divorce his wife practically at will,[97] that the debate between the School of Hillel and the School of Shammai turned upon the interpretation of Dt. xxiv, 1, the latter interpreting "an unseemly thing" as meaning unchastity only, while the former interpreted it broadly. To these essential facts we should perhaps add a sentence from Moore from a different context: "For emancipated women there was in the ancient world only one calling."[98] In this issue as in others we find Jesus facing an acute problem which had arisen in Jewish social development.

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[96] *Studies in Pharisaism and the Gospels* (1st Series), pp. 66-79; *Judaism,* Vol. II, p. 119ff.; S-B, Vol. I, pp. 312-320.

[97] "At the beginning of the Christian era . . . neither rabbinic sanction nor the wife's consent was obligatory," Abrahams, *op. cit.,* p. 70.

Two critical difficulties are presented by the divergent accounts of the episode presented by Mt. and Mk. In the first place the accounts differ as to the question that was put to Jesus, whether he was asked to rule on the matter under debate between the Schools ("Is it lawful to divorce one's wife for any cause?") or whether the question was more inclusive and unrelated to that controversy. The chief importance of this problem, however, is that it is related to the second one. What was Jesus' reply? Does he declare all divorce to be wrong, thus repudiating the whole Jewish position and criticising the Torah, or does he take sides with the Shammaites in limiting divorce to cases of adultery?

On this second and more important problem we are fortunate in possessing further evidence. In Lk. xvi, 18, we have a single verse which seems to give the Q version of Jesus' teaching on divorce. In it there is no hint that the teaching is subject to the exception of cases of adultery. Paul also refers to Jesus' words concerning divorce and again there is no indication of an exception of certain cases having been made.[99] Furthermore, in both of the passages in Mt. in which the teaching on divorce is qualified, there is internal evidence which militates against the genuineness of the clause. In the passage before us, Mt.'s account appends to the utterance of Jesus the exclamation of the disciples: "If this is the situation of a man with reference to his wife, it is better not to marry!"—an addition which suggests, though it does not prove, the more absolute form of the saying against divorce. And in Mt. v, 32, the clause of exception added to the teaching contrasts strongly with the unconditional form of the other sayings in the context. In the third place, it is important to note that the words in Dt. xxiv, 1, which were the specific subject of debate between the Schools, namely, the reference to the "unseemly thing," are not quoted at all in the reply as to what Moses commanded. From the quotation one would conclude that the subject of discussion was whether Moses permitted divorce, not "On what grounds is divorce permissible?" Thus the evidence seems overwhelming that the Marcan form of the teaching is original and that the tradition of Matthew has been assimilated to the position of the School of Shammai.[100]

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[98] Vol. II, p. 127.

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[99] I. Cor. vii, 10. The words, "Yea and if she depart" do not imply that divorce is permitted for certain cases. For divorce means the permission of remarriage which is just the thing which these words proceed to forbid.

In reply to their question we are told that Jesus asked for the Mosaic law as to divorce—a law familiar to every Jew. They cited the basic text, Dt. xxiv, 1. In words which leave no doubt as to his own position, he then answered: "For the hardness of your hearts He wrote this commandment for you. But from the beginning of creation, Male and female created He them. . . . What therefore God has joined together let not man put asunder." [100a] In this statement he declares that the Mosaic law is a concession to human weakness and does not represent the divine ideal. He makes no attempt to explain away Dt. xxiv, 1; he takes it at its traditional interpretation and declares it to be defective.

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[100] Against this conclusion it has been argued that the question as proposed in Mt. was, in view of the debate between the Schools, the natural inquiry to have made. But the subject of this debate was not the only issue under discussion at the time. We know that the Essenes advocated celibacy, and at the other end of the scale, court circles were setting the example of loose standards of marriage. Furthermore, soon after this time the "ordeal of jealousy" was done away with (Yoma, iii, 10), following which divorce of a wife suspected of adultery was made compulsory. (See Moore, Vol. II, p. 125.) There is nothing unlikely, therefore, in the supposition that Jesus had given some indication of his general attitude toward marriage, and that it was this which lay behind the question addressed to him.

[100a] Πρὸς τὴν σκληροκαρδίαν ὑμών ἔγραψεν ὑμῖν τὴν ἐντολὴν ταύτην. ἀπὸ δὲ ἀρχῆς κτίσεως Ἄρσεν καὶ θῆλυ ἐποίησεν αὐτούς . . . ὁ οὖν ὁ θεὸς συνέξευξεν ἄνθρωπος μὴ χωριζέτω.

Even had he agreed with the Shammaites that adultery justified divorce, the difference between his thought and theirs would be radical. The Shammaites declared the Mosaic law to be fully binding but reinterpreted its meaning. Jesus took it in the accepted way and repudiated it. Nothing could make clearer his independence and freedom from the whole scribal movement.

It has been suggested that one must not "exaggerate the importance" of this saying, that Jesus appealed from Moses in Deuteronomy to Moses' earlier teaching in Genesis.[101] This is, of course, true, just as in the same way, Jesus appealed from the fourth commandment to the teaching of Torah in the example of David and in the law permitting the saving of life upon the Sabbath. Though Moses was accepted as the writer of Genesis, the appeal here is back to the original divine intention described by Moses in contrast to the human concession in Deuteronomy. Verse 9, which is not a quotation but Jesus' own statement, makes clear the contrast. "What *God* has joined together, let not *man* put asunder." The passage has also been minimised on the grounds that Jesus did not declare Dt. xxiv, 1f, to be wrong, but rather defective and partial; that it did not command divorce but simply permitted and restricted it. This, too, is true, but it rather obscures part of Jesus' thought. He declared that the Mosaic law was a concession to human weakness, but he also described as adultery that which the law permitted. This is to state its dissonance with the divine will in the strongest possible terms. He therefore urged that it be disregarded, and that obedience be given to the teaching of the permanence of marriage in the opening words of the Torah.

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[101] So Klostermann, *Das Marcus Evangelium,* p. 111.

Jesus was not the first to emphasise the importance of the words of Gen. i, 27. The verse appears in a striking passage in the Zadokite Fragment: "The fundamental principle of creation is, 'Male and female created he them.' "[102] It is quite probable then that the verse was in current use as the *locus classicus* in honour of the married state. Nor was Jesus the first to say that God joins men and women together in marriage. The saying of R. Jose ben Halafta illustrates the constant attitude of the rabbis. When asked by a woman what God has been doing since his completion of creation in six days, R. Jose answered: "He has been engaged bringing marriages about."[103] Thus we have a situation analogous to that revealed in Jesus' treatment of the Sabbath. In that case we saw that Judaism emphasised two aspects of the Sabbath, its exemption from all work and its joyous, humane character. Jesus emphasised and made dominant the latter even at the expense of the former. So also with regard to the family. Judaism found in the Torah the honour, sanctity, and inviolability of marriage and also the free power of the husband to terminate it at will. In brief, Jesus emphasised and deepened the former to a point where it eliminated the latter. In each case it is noticeable that he chose the elements in the Torah which were general principles, the roots of which rest on human sympathies and a response to human need, at the expense of elements which rested on the letter of the commandment.

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[102] vii, If. (Translation in Charles, *Apocrypha and Pseudepigrapha.*) The quotation is used in a condemnation of polygamy rather than of divorce.

[103] Pesikta (ed. B) 11b. See also the article "Marriage" in the *Jewish Encyclopedia* for a number of similar delightful quotations.

In his treatment of divorce, then, Jesus made no attack upon the Torah as such. He flatly rejected a portion of it by appealing to another portion. But in so doing he could not avoid giving offence to the scribes and their pupils. To them the Torah was a unit, the several parts of which were "throughout consentaneous, homogeneous. There were not only no contradictions, but no real differences."[104] This doctrine, the logic of scribal learning, Jesus ignored. One is reminded of a statement of the Babylonian Talmud which has already been quoted: "He who says, 'The Torah is not from God,' or even if he says, 'The whole Torah is from God with the exception of this or that verse, which, not God, but Moses spake from his own mouth' —that soul shall be rooted up." [105]

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[104] Moore, Vol. I, p. 239.

## THE CONTROVERSY OVER THE FAILURE TO WASH THE HANDS BEFORE EATING—

## Mk. vii, 1-23

We come now to the thorniest and most difficult of all the Marcan passages. It has been voluminously discussed and its historicity seriously questioned. Our first task then must be to ascertain the facts with reference to the handwashing custom.

In the late second century, the period of the composition of the Mishna, the situation is clear enough. The two most outstanding characteristics of the Ḥaberim, the members of the pious associations (the Pharisees of the earlier period), were their insistence on the payment with exactitude of the tithes of the products of the soil which were due the priests and Levites, and their observance in supererogatory manner of the rules of ceremonial purity.[106] Among the latter group of observances was the custom of eating their food (*ḥullin*) in a state of purity, and to this end the ritual washing of the hands before meals (*neṭilat yadayim*) was, with other precautions, regularly employed.[107] This, indeed, was the first step in gaining admission to an association (ḥaburah). "If one takes upon himself the obligation of hand-washing only, then he is accepted (in the association); if he takes upon himself the rules of purity yet not the practice of hand-washing, then he is not accredited with reference to the rules of purity." [108] Similarly, in speaking of the admission of new members into the ḥaburah, we are told that they are first instructed in the rule of hand-washing and afterward in the further rules of purity.[109] This requirement is not to be found in the Scriptures, but represents a double extension of the Torah. In the first place, it involved an extension of the law concerning the priests. According to Numbers: "All the contributed peace offerings, all the 'fat' of oil, of wine and of corn, and all the first ripe fruits become the property of the priests and may be eaten by any member of the priestly household, male or female, who is ceremonially clean."[110] But this requirement of the law did not include originally 'profane' or ordinary food (*ḥullin*), to eat which, according to the Mishna, the rite of hand-washing was necessary. A more important extension of the law was its application to laymen as well as to priests.

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[105] Sanhedrin, 99a.

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[106] See S-B, Vol. II, pp. 494-509; Moore in Jackson and Lake, *The Beginnings of Christianity,* Vol. I, p. 439-444; *Judaism,* Vol. II, pp. 156-161; Abrahams in Montefiore, *The Synoptic Gospels* (2d ed.), Vol. II, pp. 662-671.

[107] See R. Meir's definition of an 'am-ha-'ares, "One who does not eat his ordinary food in a state of purity" (Tos. Aboda Zara iii, 10) and the requirements of the Ḥaber, ". . . . and that he eat his ordinary food in a state of purity" (Tos. Demai, ii, 2). Strack-Billerbeck conclude that this requirement was added to the duties of the Ḥaber after the time of R. Meir and due to his influence (Vol. II, p. 506-7).

[108] Tos. Demai ii, 11, quoted by S-B, Vol. II, p. 502.

[109] Tos. Demai ii, 10, Berakot 30b, S-B, Vol. II, p. 503.

Whereupon arises the problem: when did this extension of the practice to laymen take place? Dr. Büchler has maintained that this did not happen before the second century, and so convinced is he of the anachronism in Mk.'s narrative that he has suggested the explanation that Jesus' disciples were priests,[111] or that the narrative arose in the Diaspora where perhaps the hand-washing by laymen began earlier.[112] His main contention on the point has not been shaken by later writers.[113] The earliest explicit references to the custom in the lengthy collection of rabbinic material in Strack-Billerbeck is the story of Akiba's performance of the rite in prison and of the Jewish merchant during the persecution under Hadrian who used the rite as a test to determine whether or not his guests were Jews. From this time on the evidence is abundant, and a baraitha in the name of R. Meir speaks of it as one of the conditions of gaining the life of the world to come.[114]

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[110] Gray (I. C. C.) *Numbers,* p. 221.

[111] See Büchler, *Der Galiläische 'Am-ha-'ares des Zweiten Jahrhunderts,* p. 96ff. for the general argument and his article in *The Expository Times,* Vol. xxi, p. 34, for the explanation.

[112] Orally suggested to Montefiore, see *The Synoptic Gospels,* Vol. I, p. 141.

Thus verse 3 in Mk.—"For the Pharisees and all the Jews unless they wash the hands with the fist do not eat"—is clearly too sweeping. Nevertheless, it is apparent that the custom was beginning in Jesus' day:

(1) The stories referred to above of Akiba in prison using his scant supply of water for the rite out of deference to his colleagues and of the merchant who used it as a test of Jewish loyalty, show that it was well established by the beginning of the second century.

(2) Dr. Büchler admits that the custom was discussed by the rabbinic colleges during the second half of the first century.[115]

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[113] *Cf.* the discussion in Montefiore, *op. cit.*, Klausner, *Jesus of Nazareth*, p. 288f., *Margoliouth*, *Expository Times*, Vol. XXII, p. 261ff., S-B, Vol. I, pp. 695-705.

[114] T. J. Shabbath, 1, 3 c, 32 (S-B, Vol. I, p. 704).

[115] *Der Galiläische 'Am-ha-'ares*, p. 134.

(3) The custom began with the priestly duty and was extended to pious laymen. The priestly duty was revived and established by Hillel and Shammai a generation before Jesus' day.[116]

(4) The testimony of the gospels is indisputable. Not only do we have the evidence of the passage before us and its parallel in Mt., but also of Luke's special source in xi, 37.

Thus the facts with reference to the rite are similar to those concerning the relation of the learned and the "people of the land." That which is clear and definite and fixed in the second century is in its formative state in the first. The cleavage of Jewish society, the separation of the legally righteous from the negligent, the demand for a piety which elected to keep certain laws with the greatest exactitude and in other respects voluntarily went beyond the specific requirements of the cultus, this was beginning in Jesus' day. With this movement he came in conflict on nearly every score. The conflict before us is not one in which Jesus is opposed to the law, written or oral, but one between Jesus and certain tendencies which from the beginning of the first century were gathering force and which appear dominant in the second.

In Mk. vii, 6-15, we have the reply which

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[116] T. J. Shabbath, I, 3d, 40.

Jesus made to this criticism of his disciples. But the reply is not a unit and it is more accurate to speak of the three replies which are contained in the passage. These three replies are verses 6-8, 9-13, and 14-23. Each is complete within itself, has its own proper introductory statement and, as we shall see, presents quite different lines of defence to the criticism. They are clearly diverse in their origin and there can be but little doubt that they represent the collocation by the editor (or the tradition) of sayings of Jesus about the Pharisees and their rules of ritual cleanness. The fact is of significance: there were certainly more conflicts between Jesus and the leaders of Jewish society than are recorded in our gospels. On the other hand, the fact that the failure of the disciples to wash their hands before eating was the occasion of a serious break between Jesus and the Pharisees is borne out by Lk. xi, 37ff, where such criticism is said to have been the occasion of the delivery of the "Woes" against the Pharisees and scribes.

## Mk. vii, 6-8

According to these verses Jesus answered his critics by calling them hypocrites, applying to them the words of Is. xxix, 13, and declaring that they neglected God's law while keeping a tradition of men. Though these verses have been regarded as merely editorial,[117] they cannot be so cursorily dismissed.

This quotation from Isaiah follows the Septuagint version almost verbatim. Furthermore, it is just the deviation from the Hebrew text which is the main point of the quotation, *διδάσκοντες διδασκαλίας ἐντάλματα ἀνθρώπων*. The conclusion, then, that its presence in the tradition is due to the Hellenistic wing of the Church seems unavoidable. But if so, its use began very early, for Paul similarly describes Jewish laws of ritual as "precepts and doctrines of men." [118] Again in Titus we get the phrase in the injunction not to heed "Jewish fables and commandments of men who turn away from the truth." [119] The thought of these quotations appears fully developed in second-century Christian writers. Thus Irenaeus: "Not only did they [the elders] make void the law of God by transgression, mixing wine with water, but they set over against it their own law which is to this day called the Pharisaic." [120] More interesting still is the fact that the Jewish-Christian sect of the Nazarenes made this distinction between the law of God and the traditions of the Pharisees basic in their thinking.[121] The Nazarenes, however, base their contention on passages other than Is. xxix, 13, which particular quotation seems to have been the work of the Hellenistic branch of the Church.[122] We can be sure that we are dealing in this idea with one of the early major interpretations of the relation of Christianity to the law. Among those Christians who used the LXX, Is. xxix, 13, very early became the spearhead of this apologetic, and it is not strange that it has been added to the tradition.

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[117] So e. g. McNeile, *The Gospel According to St. Matthew,* p. 225.

[118] Col. ii, 22, Τὰ *ἐντάλματα καὶ διδασκαλίας τῶν ἀνθρώπων.*

[119] Titus i, 14, Ἰουδαϊκοῖς *μύθοις καὶ ἐντολαῖς ἀνθρώπων.*

[120] iv, 22, 1. For similar expressions in later Fathers see Smith, *Ante-Nicene Exegesis of the Gospels,* III, p. 118f.

The saying in verse 8 has also been labeled as editorial, but it deserves a different treatment. It differs from the words which follow in that the Korban sayings speak of an annulling of the law of God by means of the tradition, whereas verse 8 merely declares that the Pharisees neglect the law of God while observing the tradition of men. Now the practice of the hand-washing rite involved no annulment of the Torah. Hence the Korban sayings would seem not to belong originally to this context. Conversely, the saying in verse 8 looms up as in all probability the original reply of Jesus to the criticisms expressed in verse 5. The answer is most pertinent—you scribes and Pharisees neglect the true law of God to pay great attention to a matter not commanded by the Torah, written or oral, a matter that is only a tradition of men. One is reminded of another rebuke which Jesus addressed to the same group, "Woe unto you, Pharisees, for ye tithe mint, and rue, and every herb and neglect justice and the love of God." [123] That Jesus condemned a false emphasis within the commands of Torah leaves no doubt that he would have condemned even more readily a corresponding emphasis on matters of ritual not required by the law. The significant feature of this rebuke is the plain characterisation of the handwashing ritual as a "tradition of men." Jesus refused to follow or sanction the tendency current in his day toward developing or extending the ritual obligations of pious Jews. Just as he refused to fast regularly, and refused to separate himself from the houses and the food of the people of the land, so he repudiated the demand that laymen eat their food in a state of ceremonial purity.

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[121] See Jerome, *Comm. in Is.*, Lib. III, 128 (Patrologiae). To the Pharisees they said, "non mirum si vos *vestras traditiones* sequamini . . . magis *nobis Deus legem dedit et testimonia,* quae si sequi nolueritis, non habebitis lucem." See also Lib. III, 122 and 130.

[122] The editorial note to my article on page 40, *The Journal of Biblical Literature,* Vol. XLVII (1928), Part I, is in error on this point.

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[123] Lk. xi, 42.

### Mk. vii, 9-13

This section goes beyond the one just considered in two respects. In the first place, it charges the scribes with annulling the law of God by their tradition. In the second place, its charge is general and sweeping, the Korban matter serving only as an illustration. The opening words set "your tradition" over against "the commandment of God," and the closing sentence, after the discussion of the Korban matter, declares: "Many such similar things ye do." It is this section much more than the previous one which is the fountainhead of that view of Jesus' conflict with the Pharisees expressed in the above quotations from the New Testament, Irenaeus, and the sect of the Nazarenes.

As in so many other instances the gospel narrative and the rabbinic data preserved in the Mishna are not in agreement, and our first task must be to summarise the facts with regard to the Korban oath so far as they can be recovered. Using to a large extent the evidence collected by Strack-Billerbeck,[124] the chief facts are as follows:

(1) The formula *κορβᾶν* (קָרְבָּן and equivalent expressions) had nothing to do with an actual

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[124] Vol. I, pp. 711-717.

gift to the Temple, but was simply an oath or vow.

(2) The custom of vowing non-support of or non-assistance to other individuals or groups is repeatedly attested. We read of such vows with reference to the Samaritans, the heathen, pilgrims to Jerusalem, and individuals.

(3) Vows of this character between parents and sons were not unprecedented. The Mishna contains rulings as to whether or not in such cases a son can inherit after the father's death, and regulations on other disputed points in connection with such vows.[125]

(4) In a religion having as strong a humanitarian interest as Judaism, it was inevitable that the moral difficulties inhering in the irrevocability of vows should arouse opposition. The movement against the unconditional observance of such vows took two forms. On the one hand, various ways of getting around the vow are approved. A third party could render the help which a person was enjoined by his vow from rendering. Food which could not be given directly could be presented as a gift to some one who would in turn pass it on to the intended recipient. The discussion of some of these rules of casuistry was still going on in 150 A.D.[126]

(5) By the time of R. Meir (150 A.D.) the

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[125] *Op. cit.*, p. 716.

[126] *Op. cit.*, p. 715 (bottom).

vow could be annulled by going before a scholar. R. Meir found in the precept, "Thou shalt not hate thy brother in thy heart," a ground for thus "opening the door" to the one making the vow. R. Eliezer (90 A.D.) attempted to find a basis for such annulment in another principle, namely, that a foolish vow was a disgrace to the parents of the one making it, but he was overruled. But the majority agreed with R. Eliezer that when the matter was between parents and sons then "the door was open," the vow could be annulled on the ground of the honour due to parents (Ned. 9, 1).

Thus the movement toward eliminating the binding effects of a vow once uttered was an active one during the period of the Tannaim. By the end of the first century, annulment of vows when they affected parents adversely was possible. But the story in Ned. 5, 6, of the man of Beth-horon who had vowed non-support of his father and attempted by casuistry to enable him to be present at a marriage of a son—the story is undated—shows that such means of annulment had not always been at hand. The same conclusion is implied by the progressive character of the movement toward annulment. When the annulment of vows between father and son was made permissible, the Mishna does not say. That it had not taken place by 27 A.D. is clearly evidenced by the passage before us in the gospels.

To the above data as to vows, some material concerning the honouring of parents should be added. The scribes seem to have found it necessary to make plain that veneration of parents should not be carried to the point where it occasioned actual violation of the Torah. There is specific warning, for example, that respect for parents does not take precedence over the laws of the Sabbath.[127] Similarly, Eleazar of Mattja (120 A.D.) said: "If my father says to me 'Give me to drink,' and a command of the law should be performed [at the moment], I should neglect the honour due to parents and perform the commandment." [128] Earlier insistence on performance of vows even when parents were affected was undoubtedly another case of this sort.

In the light, then, of these considerations and of the absence of any contradictory evidence earlier than the end of the century, I assume that in Jesus' day the scribal ruling upheld the validity of oaths even when these affected parents adversely. This ruling Jesus attacked severely. He described it as "making void the law of God by your tradition which ye keep." His attitude is most interesting. Actually the case under consideration involved a clash of two laws, both of them Biblical; one specific, the law of the performance of vows,[129] and the other general, "Honour thy father and thy mother."[130] In the instance under discussion, Jesus seems to have been indifferent to the former of these, apparently feeling that it was the "law of God" that parents should be honoured and not the law of God that in such cases vows should be kept. Many of the scribes no doubt agreed with him and others who did not were withheld from agreement by the categorical Scriptural command: "Thou shalt observe and do that which has gone out of thy lips." Jesus seems to have regarded it as an obvious fact that in a conflict between the abstract law of the inviolability of a vow and the law of respect and care for parents, God was concerned only with the latter. To the literal text of Scripture when it ran counter to his conception of God's will he seems to have been indifferent. And this prophetic consciousness of the will of God was formulated in terms which gave the right of way in cases of conflict to human needs and interests. That this is not to modernise Jesus at the expense of history in the case in point is strongly indicated by the fact that within half a century Judaism had adopted the same position which he here maintains. "The scholars agreed with R. Eliezer that when the affair was one between son and parents the door was open *on account of the honour that is due to parents.*"[131]

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[127] Yebamoth, 5b.

[128] Kiddushin, 32a.

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[129] Dt. xxiii, 21ff: "When thou vowest a vow unto Jehovah thy God, thou shalt not be slack to pay it; for Jehovah thy God will surely require it of thee . . . That which has gone out of thy lips, thou shalt observe and do."

[130] Ex. xx, 12.

So much for the specific contention over Korban. The implication of the passage, however, is that this was only one illustration of a general denunciation by Jesus of the oral tradition of the scribes. "Well do ye reject the law of God to keep your tradition! . . . Many such things do ye do." From these words the conclusion has been drawn that Jesus rejected the oral law *in toto,* setting it over against the authoritative written law of God. Did Jesus make any such sweeping rejection of the tradition? Is the Christian view of the scribes and Pharisees found as early as Paul and continuing until the fourth century, that they erected a law of their own over against the divine law, responsible for the polemic here, or did Jesus himself initiate this distinction between the law of God and a law of men? The answer to this question will be found in the following considerations:

(1) In a number of instances we have seen

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[131] The rabbinic conclusion seems to have rested on little other support than that cited by Jesus. Note Hagigah v, 8: "The loosing of vows swings in the air, and there is nothing in the Scripture on which it can stand."

that Jesus refused to accept or follow the scribal rulings as to the Torah. In the case of the Sabbath, in the case of divorce, and in the Korban matter just discussed, he declared that their view was not the law of God. In all such cases, he was forced to declare that the tradition which they cited was simply a tradition of men. This is explicitly recorded only in the Korban material, but it is an inevitable corollary of his teaching on the other controverted points as well. In taking these positions—and others recorded in the gospels yet to be discussed—Jesus rejected implicitly if not explicitly the basic principle of the whole oral law, namely, that an unbroken tradition of the scribes was authoritative.

(2) Jesus refused to follow what may be called the Pharisaic development within Judaism. He would not join their societies (if they were already actually organised), nor obey their injunctions, and the gospels unanimously testify that he denounced the Pharisees as blind and irreligious leaders. He objected vigorously to their insistence on literal obedience to certain precepts of the Torah—the law of Sabbath rest, the law of the performance of vows, the law of divorce, the law of exact tithing and of ceremonial cleanness—when and because he felt that such obedience involved a neglect of the

primary commands of the Torah. His method of interpreting the Scriptures was fundamentally different from theirs.

Nevertheless, this opposition to the scribal interpretation of the Torah did not result in a repudiation of the oral law as a whole. Several further weighty considerations bear this out:

(3) In spite of the appeal which this view made to a church which accepted the Scriptures as divinely inspired but which broke with Pharisaic Judaism, there is no indication outside this passage that Jesus abrogated the oral law. Not even in the "Woes" to the Pharisees is the traditional law repudiated, the nearest approach to this being the statement that the scribes lay heavy burdens on the shoulders of men.

(4) On the contrary we must recall the presence in Mt. of a number of sayings of Jesus which affirm the binding authority of all of the oral law. Jesus may not have said: "The scribes sit in Moses' seat, whatsoever they tell you, do and keep," but that such sayings could be ascribed to him surely indicates that he took no open and unequivocal stand in favour of the position of the Sadducees.

(5) It is also obvious that with much of the oral law Jesus was in profound agreement. The mitigation of the severity of the ancient criminal code, the laws permitting the saving of life upon

the Sabbath, the substitution of fines for the literal *lex talionis,* are illustrations from many which might be quoted.

(6) Furthermore, in his conflicts with the scribes, Jesus does not make a distinction between the written law and the oral law the test of religious authority or value. Though the distinction seems to us to lie ready at hand on several occasions, Jesus does not employ it, but raises the fundamental question of the harmony of the procedure in point with certain great principles which he found primarily in the Scriptures but also in the oral law.

I conclude then that Jesus was not opposed to the oral law as such nor did he repudiate it as a whole. The distinction which he drew was not between oral and written Torah but between those precepts in both which his prophetic consciousness affirmed as the primary will of God and others of a secondary or contradictory nature. In the controversies with his opponents scribal rulings naturally came into the foreground of the discussions, and Jesus' refusal to conform implied of course a rejection in principle of the authority of the oral law, a denial, namely, that the traditional rulings were correct definitions of the will of God and were morally binding. But this implication he did not develop into a general repudiation of the oral law as a whole. His thought did not take that form. He acquired no reputation as an exponent of Sadduceean views, and it was possible to attribute to him without obvious violation of fact sayings affirming the authority of the tradition. The statement often made that Jesus rejected the oral law and accepted the authority of the written Scriptures must be qualified in both respects. On the one hand, he endorsed, practised, and no doubt reverenced much of the oral law, and on the other hand, he also rejected certain portions of the Scriptures as divine laws to which constant and invariable obedience should be given. What Jesus stood for was a certain understanding of the divine revelation. What he opposed was the Pharisaic interpretation of the Torah given by God.

But this rejection of specific portions of the tradition, this independence of scribal authority, this insistence on a certain understanding of the Torah, this was the raw material out of which doctrines and creeds later were to be shaped. Jesus contributed the creative moral force, the reflective organisation of it into a system was the work of his followers. Very early in the life of the Christian community Jesus' rejection of the authority of tradition as such and of certain of the requirements of the oral law coalesced with Christian use of the Scriptures and conflict with

Pharisees and scribes to produce the doctrine of two laws, a "law of men" over against the law of God, a "second law" (*δευτέρωσις*) annulling the divine law. The wording of the passage before us has very probably been coloured by this later view, just as the quotation in verse 7 seems due to it.

## Mk. vii, 14-23

This brings us to the final and, from our point of view, probably the most difficult and important passage of the gospel. The kernel of the passage is, of course, the saying, "There is nothing from without the man that going into him can defile him: but the things which proceed out of the man are those that defile the man."[131a] The explanation of the saying, verses 17 to 23, separated from the logion itself by the mention of questions later "in the house," and accompanied by the editorial comment applying the passage to the problem of unclean meats, seems to be an addition to the original saying.[132] We shall be safer if we confine our attention to the logion itself.

This saying has been discussed at great length and there is no need to quote the opinions which have been advanced concerning it. The interested reader is referred to the discussion in Montefiore's commentary.[133] Against its historicity, two fundamental objections have been made. It is argued that if Jesus had actually uttered these words, the controversy over the law, and in particular over eating with Gentiles, could never have occurred. It is also maintained that the saying abrogates much of the Pentateuch, and hence it takes one too far from that reverence for the Scriptures which we have seen was characteristic of Jesus' thought. Thus the passage is set down as a product of the controversy in the early church or its meaning is interpreted in some less radical sense than the words themselves suggest. The force of these objections or difficulties, particularly the former, is great. Nevertheless, when we survey the whole outlook of Jesus, his attitude toward foods, toward the laws of ritual, the ceremonial law, the righteousness which he felt God desired, and remember certain facts in connection with the early Church, I believe that the genuineness of the saying—though probably in not so detailed and sweeping a form—becomes apparent.

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[131a] *οὐδέν ἐστιν ἔξωθεν τοῦ ἀνθρώπου εἰσπορευόμενον εἰς αὐτὸν ὃ δύναται κοινῶσαι αὐτον· ἀλλὰ τὰ ἐκ τοῦ ἀνθρώπου ἐκ πορευόμενά ἐστιν τὰ κοινοῦντα τὸν ἄνθρωπον.*

[132] *Op.* Montefiore, *op. cit.*, Vol. I, p. 132 and others.

(1) In the first place, this saying does not stand alone. In Mt. xxiii, 25f, and Lk. xi, 39f, there are two forms of a saying which goes back

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[133] *Op. cit.,* Vol. I, pp. 152-161.

to the days when the tradition was preserved in Aramaic. According to this saying, Jesus condemned the blind or foolish Pharisees who cleanse dishes and cups from ceremonial defilement but who were not clean "within," and declared that if they would cleanse that which was "within," then all else would be clean.[134] In the light of this corroborative evidence we cannot doubt that Jesus said that cleanness in God's sight was determined by the state of one's heart, rather than by foods eaten.

(2) Jesus' habit of frequenting the homes of publicans and sinners and eating with them shows an indifference to questions of ceremonial cleanness. While the uncleanness caused by couches, furniture, and the like would not be serious for one who did not endeavour to live up to the Pharisaic ideal, unclean food was another matter. On such occasions Jesus would hardly have been served forbidden meats, but one could never be sure that food served in such homes had been properly killed and properly prepared.[135] One who ate in the house of an 'am-ha-'ares faced presumptive defilement, as the rules of the Ḥaberim emphasised. Jesus appar-

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[134] For a comparison and discussion of the two forms of the saying, see below, pp. 199f.

[135] For the laws governing the Jewish kitchen, see Moore, Vol. II, pp. 74 and 158f.

ently regarded such risk as of no vital importance.

(3) We have a definite statement of Jesus approving of David's act in eating food which was forbidden to him by the Torah. While this is not decisive it gives a clue to his thinking on the subject of foods.

(4) His attitude toward other laws of the cultus is in harmony with this position regarding foods. The law of tithes he did not observe strictly, partaking of untithed food in the homes of publicans and sinners. The Pharisaic insistence on preserving a state of ceremonial purity required only of the priests he opposed. The law of the Sabbath he regarded as subject, like the law of the shewbread, to men's needs.

(5) Other elements in Jesus' teaching are in accord with this point of view, and also suggest in general terms the probable occasion and bearing of the saying. On the one hand, Jesus regarded the goodness which God demands of men as consisting in devotion of the self to the service of others. The core of his own ethical outlook was positive; it was to seek and to help and to save those who were most in need. Engaged in an urgent endeavour to bring to the outcasts and irreligious the good news and meaning of the kingdom, he found himself criticised and opposed by individuals who

seemed to substitute a scrupulous attention to foods and similar matters for that loving service which God requires. The matter of foods furnished the clearest instance of the contrast between an external impersonal conception of righteousness and one which viewed it as an inner state. Because of his lax attitude toward matters of foods, he was accused of being a sinner and transgressor of the law—this in spite of the mission which he was accomplishing. It would be surprising, indeed, if he had not replied that nothing external could go into a man which could make him unclean in the sight of God.

In the light of these facts, then, I conclude that the saying in Mk. vii, 15, is essentially genuine. But Jesus delivered no critique of Judaism in the abstract and it is unlikely that his statement was given in quite the detached fashion in which it now appears. As suggested in the last paragraph, the saying was very likely delivered in connection with a controversy over some specific issue, the question of eating from vessels which were unclean, or the presumptive defilement incurred by eating in the houses of the ‘amme-ha-’ares or perhaps over a failure to wash the hands before eating, to which controversy the saying is related in our text. We must not think of the saying as an *ex cathedra* pronouncement urging the abolition of large parts of the Pentateuch. We will probably be right in using Jesus' attitude toward the law of the Sabbath as a guide to help us understand it. Jesus did not urge men to work regularly upon the Sabbath, but he did maintain that it was right to do good on the Sabbath even by means of labour. Similarly it is probably unfair to say that Jesus in Mk. vii, 15, is repudiating Leviticus and that he would have said that it is right to eat rabbits, swine, and camel's flesh. We must remember that Jesus had been bred to regard these things with aversion. But he would undoubtedly have declared that abstaining from meats was not what God wanted of men and that it was right to eat a rabbit if this was essential to one's service of his fellows, just as he himself ate untithed food, quite possibly food that was improperly killed or prepared, and food served in vessels that were not ceremonially clean. And, conversely, his saying declares that a good man bringing forth good things out of the treasury of a loving heart does not become evil in God's sight by anything which goes into him.

It will be better to reserve for the final chapter of this book certain remarks as to the history of this conflict in the early church. But in conclusion I should like to add one further consideration which supports the essential genuineness of the saying.

(6) Judaism itself had reached a point of development where it was ready to make such a statement as that contained in Mk. vii, 15, and was restrained only by the doctrine of the absolute authority of the word of Scripture. Many discussions of the passage before us have been unfair to the rabbis, suggesting if not affirming that the moral sense of the scribes saw no difference between eating a rabbit and injuring one's fellows. A quotation from Moore's *Judaism* is to the point: "Jewish teachers were quite aware of the intrinsic difference between laws which the common intelligence and conscience of mankind recognised apart from revelation, things 'which if they were not written in the law would on grounds of reason have to be written'—idolatry, incest, homicide, robbery, blasphemy—and such laws as the prohibition of eating pork or wearing garments of linsey-woolsey, loosing the shoe in the refusal of levirate marriage, the ritual of purification of the leper and the scapegoat, which men might be tempted to call futile performances. For this reason the Scripture adds, 'I am the Lord.' I the Lord have ordained it, and you have no right to have notions of your

own about it."[136] A generation after Jesus' death the leading rabbi of his day and the man who re-established Judaism after the destruction of 70 A.D., Johanan ben Zakkai, stated the principle in words as clear cut as those of Jesus which we have been discussing: "A corpse does not defile nor water make clean, but it is a command of the King of Kings."[137] In such a statement the idea is clearly expressed that external objects do not make a man morally unclean, though obedience to the divine command is enjoined. Jesus had no such sense of the necessity of obeying the letter of the law.

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[136] Vol. II, pp. 6f., quoting Sifra, Ahare Perek, 13 (Weiss f. 86a) and Yoma 67b.

[137] Tanhuma ed. Buber, Hukkat § 26, and elsewhere.

# CHAPTER V

## THE EVIDENCE OF THE Q SOURCE

THE difficulties in connection with the (hypothetical) source Q have already been discussed in Chapter II, but at this point these difficulties become concrete and vivid. Faced with the two facts of the overlapping of the Q document with the M and L sources and with the undoubted citation of Q material by only one of the two evangelists, one cannot expect an exact result. The most that can be hoped for under the circumstances is that we may be able to see in broad outline the trend and point of view of the source. In these circumstances it seems the part of wisdom to treat under the heading Q only those sayings appearing in Matthew and in Luke in more or less common language, preferring frankly to admit sins of omission (which in the nature of the case are doubtless inevitable) than to multiply sins of commission by conjectural additions to the Q list.

Perhaps the most striking feature of this list of sayings is the number and vigour of those which foretell persecution and suffering to be endured by the followers of Christ. The Q source—if the hypothesis be admitted at all—contained several "beatitudes," one of which runs: "Blessed are you when men shall hate you and when they shall separate you from their company and reproach you and cast out your name as evil." [1] Among the sayings from that source occurs the ominous prophecy: "Behold I send you as sheep in the midst of wolves." [2] It contained the exhortation, "Fear not those killing the body," followed by the promise, "Whosoever shall confess me before men, him also the Son of Man shall confess before the angels of heaven, but he that denieth me in the presence of men, he shall be denied in the presence of the angels of God." [3] It contained also the forecast that discipleship would involve division in one's own family: "Think not that I am come to give peace on the earth. I tell you nay, but rather division; for there shall be henceforth five in one house divided, three against two and two against three, father against son and son against father, mother against daughter and daughter against mother, mother-in-law against daughter-in-law and daughter-in-law against mother-in-law." [4] Even stronger than this is the statement: "If any one come unto me and hate not his father and his mother and children and brothers and sisters, yea and his own life also, he cannot be my disciple."[5] The source recorded, furthermore, a lament over Jerusalem with the opening words: "O Jerusalem, Jerusalem, which killeth the prophets and stoneth them that are sent unto her!"[6] Finally, it probably contained a list of woes pronounced upon Pharisees and scribes with the concluding malediction: "Therefore I will send unto them prophets and apostles, and some of them they shall kill and persecute; that the blood of all the prophets which was shed from the foundation of the world may be required of this generation."[7]

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[1] Lk. vi, 32 = Mt. v, 11. That the Q document contained some but not all of the "beatitudes," see Streeter, *op. cit.*, 251 f.

[2] Lk. x, 3 = Mt. x, 16.

[3] Lk. xii, 4-9 = Mt. x, 29-33.

[4] Lk. xii, 51-53 = Mt. x, 34-36.

[5] Lk. xiv, 26 = Mt. x, 37. This passage is an instructive warning against a demand for exact verbal agreement between Mt. and Lk. before attributing a saying to the Q source. Here the Mt. form of the saying abbreviates the list of family relations and also omits the last clause of the Lucan saying. Instead of "hate not his father" it reads, "loves father . . . more than me"; and instead of "cannot be my disciple," it has "is not worthy of me." Nevertheless, the two forms of the saying are undoubtedly from the same source, as is shown by some verbal similarity, by the exact equivalence of thought in spite of these differences, and by the fact that both passages have an identical sequence (cp. Lk. ver. 27, with Mt. ver. 38).

[6] Lk. xiii, 34f. = Mt. xxiii, 37f. The identity of wording is here at a maximum.

[7] Lk. xi, 49f. = Mt. xxiii, 34f. The "Woes to the Pharisees" constitute a most difficult Synoptic problem, because of the verbal differences between the sayings in Mt. and Lk. Canon Streeter attributes these differences to conflation by Mt. of the Q passage (preserved in Lk.) and an independent source. See *op. cit.,* pp. 253f. This seems on the whole the best solution. The variation between the two accounts is too great to be set down to editorial

This strong interest in sayings dealing with conflict "in one's own household," coupled with the bitter feeling against the Pharisees which the "Woes" reveal, indicates that the document Q came out of a circle of Christians who had felt persecution at the hands of the Pharisees, those perhaps who had suffered at the time of the death of Stephen, or during the persecution under Herod Agrippa I. One thinks of Paul's words to the Thessalonian Christians: "Ye, brethren, became imitators of the churches of God which are in Judea in Christ Jesus; for ye also suffered the same things of your own countrymen even as they did of the Jews, who both killed the Lord Jesus and the prophets and drove out us and please not God and are contrary to all men, forbidding us to speak to the Gentiles that they may be saved; to fill up their sins always."[8] Even more similar in tone to the stronger Q sayings are the final words of the speech of Stephen: "Ye stiff-necked and uncircumcised in heart and ears, ye do always resist the Holy Spirit. As your fathers did, so do ye. Which of the prophets did not your fathers persecute?"[9]

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modification and points to two independently preserved accounts. On the other hand, the detailed similarity of portions of the two passages, notably the one here quoted seems to demand an identical source. The Lucan version also stands in a block of Q material.

[8] I Thess. ii, 14f.

[9] Acts vii, 51f.

This point of view makes it clear that the Q document did not represent the "Judaistic" wing of the church. For the conservative group had no such experience of persecution and no such antagonistic view toward the Pharisees. It reflects the attitude of those who were forced to flee from Judea rather than of those who remained in Jerusalem, made many converts, and were held in high honour by the Pharisees.[10] This being the provenance and outlook of the Q source, one is not surprised to find in it the saying that the sons of the kingdom shall be left outside while many from the East and the West shall come into the Kingdom of Heaven,[11] or the story of the healing of the centurion's servant, the point of which is the saying: "Not in Israel have I found such faith."[12] For we are specifically told of the Christians who suffered persecution at the time of Stephen's death that when they reached Antioch they "spoke unto the Greeks also."[13]

[10] Acts xvi, 20f., Josephus, *Antt.* xx, 9, 1.

[11] Lk. xiii, 28f = Mt. viii, 11f.

[12] Lk. vii, 1-10 = Mt. viii, 5-10. The allocation of this narrative to the Q source has been questioned, but a careful comparison of the two accounts shows that while the first half of the story is given quite differently by Mt. and Lk., the second half is told in virtually identical language and evidently comes from a common source. (Note how Luke's narrative changes to the first person in ver. 6.) Although Mt. combines with this incident the saying previously quoted, we must remember that before his work they were two disparate elements in the tradition, as Lk.'s placement of that logion shows.

[13] Acts xi, 19f.

The Q tradition, then, has come out of a circle of early Christians similar in experience and outlook to those who were forced to leave Judea under persecution and who founded the church at Antioch. We turn therefore to an examination of this testimony as to Jesus' attitude toward the Mosaic law with increased interest.

The first fact to be observed is of a general nature. The sayings from the Q source deal for the most part with aspects of the coming divine rule or with general ethical and religious themes. From it comes, for example, most of the material in the Great Sermon of Mt., the sayings now grouped in Jesus' mission charge to the disciples, the teaching with reference to John the Baptist, the praise of a scribe's choice of the chief commandments, and the like. What we had occasion to mention in the case of Mark is clear also in Q—that Jesus was primarily a teacher of a certain conception of righteousness. He was not primarily a teacher of a new view of the Torah. In the bulk of this Q material there is no reference to the Torah, and as in Mark, there is little indication of an interest in theoretic questions concerning the Mosaic legislation. The concept uppermost in Jesus' thought seems to have been the kingdom and its righteousness.

The Q material corroborates the evidence of

Mark that Jesus regarded the Scriptures with the reverent attitude of one who believed them to be a divine revelation. Of the actual quotations, all are open to some question, but even if not authentic they reflect the unquestioned conviction on the part of early Christians that such quotation was natural to Jesus.[14] But quite apart from direct quotation one can see in the Q sayings clear evidence of Jesus' familiarity with and reverent use of the Scriptures. He cites from its pages Sodom, Tyre, and Sidon as examples of cities that failed to repent.[15] He declares that the only sign to be given his generation is the one given to the Ninevites—the sign of Jonah preaching in their city.[16] The story of how men were eating and drinking and marrying in the days of Noah, indifferent to the catastrophe that was impending, is used as a further warning.[17] The picture which he gives of the coming kingdom is redolent of the pages of Scripture. "They shall come from the East and the West and the North and the South," as is stated in Ps. cvii, 3; they shall lie down at a banquet with the heroes of the sacred books, Abraham, Isaac, and Jacob.[18] The wicked, on the other hand, shall hear from the mouth of the Judge the words which in Ps. vi, 8, constitute the prayer of the persecuted righteous: "Depart from me ye that work iniquity." [19] The conflict and persecutions within the household of disciples are enumerated in terms drawn from the book of Micah.[20] The Gentiles are described as normally irreligious in their attitude,[21] while the character of the righteous man is set forth in a series of beatitudes which are a mosaic of Scriptural passages. In all this there is evidence that Jesus' attitude toward the sacred writings of his people was that of a pious Jew. But the matter is put beyond a doubt by a narrative in the Q source which is a doublet of a passage in Mark. A certain "lawyer" asked Jesus what he should do to inherit eternal life. Jesus was content to ask in turn: "What is written in the law?" The scribe replied by quoting two passages from the Pentateuch, whereupon Jesus answered: "Thou hast spoken rightly; do this and thou shalt live." Q thus confirms Mk., that

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[14] In the story of the Temptation, Jesus quotes three times from the Scriptures (Lk. iv, 1f., Mt. iv, 1f). He is said to have described John as the fulfillment of the words of Mal. iii, 1, which are quoted Lk. vii, 27. Mt. xi, 10. The lament over Jerusalem closes with a messianic refrain from the Psalms (Lk. xiii, 35, Mt. xxiii, 39).

[15] Lk. x, 12 = Mt. x, 15.

[16] Lk. xi, 30 = Mt. xii, 39. The mention of the "Queen of the South" is an early Christian addition to the passage. Note how it breaks into the Jonah reference, besides making Jesus exalt to the multitudes his own wisdom as exceeding Solomon's.

[17] Lk. xvii, 26f. = Mt. xxiv, 37f.

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[18] Lk. xiii, 28f = Mt. viii, 11f.

[19] Lk. xiii, 27 = Mt. vii, 23.

[20] Lk. xii, 53 = Mt. x, 35. *Cf.* Micah, vii, 6.

[21] Lk. xii, 30 = Mt. vi, 32.

Jesus regarded the Torah as containing precepts obedience to which would lead to eternal life.[22]

We saw in the last chapter that this reverence for the Torah was coupled with a method of interpreting it by which certain of its precepts of a general moral character were regarded as of universal and imperative authority, to such an extent that they suspended or superseded other precepts with which they came into conflict. That this positive, ethical view of the righteousness which God commanded was central in Jesus' thought, the Q source also makes abundantly clear. This is the heart of the Great Sermon.[23] "Love your enemies, do good to them that hate you. . . . Love your enemies and do good, lend, despairing of no one and your reward will be great and ye shall be sons of the Most High. . . . Be ye merciful, even as your Father is merciful." This active goodness is to come from the heart: "A good man out of the good treasure of his heart brings forth good, and the evil man out of his evil treasure brings forth evil." [24] The ideal of life is comprehensively stated in the so-called Golden Rule: "As ye would that men do to you, do ye even so to them."[25] The two commandments of the Torah which Jesus agreed to be the primary ones were: "Thou shalt love the Lord thy God with all thy heart" and "Thou shalt love thy neighbour as thyself."[26] We can also see from the Q sayings that Jesus applied these principles practically in his endeavour to bring publicans and sinners into the kingdom. In this source, as in Mark, he is called "the friend of publicans and sinners."[27] The urgency with which he felt this mission should be prosecuted is reflected in his saying to the disciples: "The harvest is great but the workers are few,"[28] as well as by his injunction to a would-be disciple: "Let the dead bury their own dead, go thou and proclaim the kingdom of God."[29] These sayings and others set forth the positive ideal which Jesus evidently felt to be the meaning of the Scriptures. He understood the Torah as requiring a complete devotion of the individual to human needs.

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[22] Lk. x, 25. See above, p. 124, note 33, where I have argued that this Q form of this important incident is more accurate than the account in Mk.

[23] That Lk.'s form of the Great Sermon has come from the Q source, see Streeter, *op. cit.*, p. 249-253.

[24] Lk. vi, 27-45, Mt. v, 39-46, *cf.* xii, 34.

This is borne out by the evidence that Jesus reinterpreted and refused to obey certain precepts of the Torah which he felt to be preventing the full expression of this ideal, and thus came into conflict with the scribal authorities. There are three passages which supply evidence on this point.

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[25] Lk. vi, 31 = Mt. vii, 12. The addition, *οὗτος γάρ ἐστιν ὁ νόμος καὶ οἱπροφῆται*, evidently did not appear in the Q source. That it was the comment of the First Evangelist is suggested by the appearance of virtually the same phrase in Mt. xxii, 40 and by the similar editorial addition of Hosea's words "I desire mercy and not sacrifice" to the Marcan text in Mt. ix, 13 and xii, 7.

[26] Lk. x, 25f., *cf.* Mt. xxii, 34f.

[27] Lk. vii, 34 = Mt. xi, 19.

[28] Lk. x, 2 = Mt. ix, 37.

[29] Lk. ix, 60 = Mt. viii, 22.

*"And he said to him, Let the dead bury their own dead, go thou and proclaim the kingdom of God."—Lk. ix, 60; Mt. viii, 21f.*

The first of these passages which calls for discussion is the reply given by Jesus to one who wished to be a disciple, but who asked permission to go first to bury his father. The spirit of this reply is quite clear though the point must not be pressed because we cannot tell how literally the request of the man and Jesus' answer should be understood.

To bury the dead was in Palestinian society both a duty and a labour of love. Even though contact with a corpse rendered one unclean, the burial of members of one's own family was a duty compulsory even upon a priest;[30] all the more was it binding upon non-priestly Israelites. Abraham, who buried Sarah and mourned her death, Joseph, who fulfilled his vow to bury his father in Canaan, and Moses, who carried with him out of Egypt the bones of Joseph are held up as high examples.[31] "He whose dead is lying before him (unburied) is exempt from the reading of the Shema, from Tefillah, Tefillin, and all the commandments mentioned in the Torah."[32] To bury the dead who had no relatives to perform the last rites for them was one of the most praiseworthy deeds which a Jew could perform.[33] Of examples of this piety Abraham, Joseph, Moses, and God himself are cited.[34] A saying in Berakot, one of many which could be cited, illustrates the emphasis which Jewish ethics placed on paying respect to the dead: "Rabbah said in the name of R. Judah, Whoever sees a body (being conveyed to burial) and does not accompany it commits a transgression."[35] The Ḥaberim naturally paid special attention to this duty of burying the dead, along with other "good works."[36]

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[30] S. Lv. xxi, 3, quoted by S-B, Vol. I, p. 488.

Jesus' words, then, to one who desired to bury his father before becoming a disciple strike directly across this aspect of Jewish piety. In comment on the passage Montefiore remarks: "Though the famous words are susceptible of an explanation which justifies them, there is no doubt that they and such a phrase as 'hating one's parents' [Lk. xiv, 26] . . . are on the face of them . . . very offensive to a deep Jewish sentiment. The honouring of parents is so deeply rooted in Jewish consciousness that these sayings of Jesus, though explicable and even justifiable, have a not wholly Jewish ring."[37] We can easily see how such a command of Jesus would convince hostile critics that the Galilean teacher was opposing with his own claim the precepts and practice of the Torah.[38]

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[31] See the quotations in S-B, Vol. I, pp. 487-89.

[32] Berakoth 3, 1 (Cohen's translation, p. 116).

[33] Tobit iv, 3; vi, 15; S-B, Vol. IV, p. 578f.

[34] S-B, Vol. I, p. 487f. and Vol. IV, p. 561f., section c.

[35] 18a (Cohen's translation, p. 118f.).

[36] See S-B, Vol. IV, p. 559 and p. 607f.

How complete a disregard on Jesus' part of the standards and precepts of the Torah the saying indicates depends on whether or not the request of the disciple should be taken literally. If the father lay actually dead or dying and Jesus commanded the son to neglect the rites of burial, he specifically opposed the course of action which contemporary religious thought regarded as commanded by the law. If that be the case, we must regard the reply of Jesus as another instance of disregard of specific elements of the Torah for the sake of some more general obligation, which he felt commanded therein. Of this we have seen other instances in Mark's Gospel. The general obligation in this case is to proclaim the coming kingdom, a service to the whole of Jewish life made urgent by the nearness of the kingdom.

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[37] *The Synoptic Gospels,* Vol. II, p. 133.

[38] Though the definitions of the several duties in connection with burying the dead are items in the oral law, the halacha are rested on the text of Scripture. Thus in the case of a priest's duty to bury members of his immediate family, Lev. xxi, 3, in a mandatory sense, is cited. In general cases, interpretations of Ex. xviii, 20, and Micah vi, 8, are cited. See, for example, Mekilta Ex. xviii, 20, quoted in S-B, Vol. IV, p. 560.

I doubt, however, if the request of the man should be taken this literally. From the fact that he is away from home, apparently attending on the teaching of Jesus, it would seem that we should rather adopt some such explanation as that suggested by Rashdall, namely, that the father had "one foot in the grave" and the dutiful son preferred to postpone his discipleship until after his father's demise.[39] If this should be correct, the saying of Jesus does not deal with the obligation of actually burying the dead—though his saying still runs counter to contemporary attitudes in this respect—but with the obligation of honouring and caring for parents as commanded by the Scriptures. Over against obedience to the fifth commandment he set before his questioner the obligation of service to the kingdom of God as a whole.

That Jesus was not indifferent to the duty of caring for parents the Korban discussion gives specific proof. There are, however, a number of sayings preserved in the gospels in which he seems to be warning against an undue attention to the claims of one's immediate family. I have already quoted his words about divisions in one's own household which acceptance of his message would cause, and his admonition that if one "hate not his own father and his mother and his wife and his children and his brothers and sisters" he could not be a disciple.[40] It is possible that he himself had suffered a break with his own family.[41] He certainly spoke with sarcasm of a piety which expressed itself solely toward members of one's own domestic circle: "If you love them that love you, what reward have you . . . If you salute your own brethren only, what do you more than others?"[42] Thus Jesus definitely and clearly subordinated the claim of the family to the claim of the kingdom. To the disciple who wished to postpone his service to the latter until the former had been satisfied, he replied in terms which clanged harshly both with the standards of his day and ours. Whether the demand which Jesus made of this individual was a fair one, no one can say without knowing the facts in the specific instance. But few sayings make clearer the ethical ideal which he felt to be supreme or better illustrate the freedom and vehemence with which he demanded that the ideal be given right of way in practice. In Mark we found a number of instances in which Jesus subordinated specific ceremonial or ritual precepts to the general humanitarian purpose which he found in the Torah; in the passage before us he subordinates a specific humanitarian service to the obligation of serving a larger circle.[43]

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[39] *Conscience and Christ,* p. 179. Rashdall cites a contemporary oriental use of the expression in this sense.

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[40] Lk. xiv, 26 = Mt. x, 37.

[41] *Cf.* Mk. iii, 21.

[42] Mt. v 46f. = Lk. vi, 32.

*"Every one who divorces his wife and marries another commits adultery, and he who marries a divorced woman commits adultery." —Lk. xvi, 18 = Mt. v, 32.*

This seems to be the Q form of Jesus' saying regarding divorce. There is here no outspoken repudiation of the Mosaic law as in the Marcan form of the tradition, but the rejection is none the less implicit in the saying. Thus we have the supporting evidence of the Q source that Jesus unhesitatingly set aside the Mosaic regulation on this point. The School of Shammai reached the same result, but did so by finding in Dt. xxiv, 3, the meaning they desired to establish. They thus asserted the full authority of the precept while redefining its meaning. Jesus neither here nor in Mark's account disputes the ac-

[43] I have omitted from the above discussion of the saying the influence of the apocalyptic factor. It served, of course, to intensify the above considerations by shortening the period in which such service would be possible.

cepted meaning. He states his own view even though it definitely contradicts what Moses established.[44]

*"And the Lord said unto him, Now do ye Pharisees cleanse the outside of the cup and of the platter; but your inward part is full of extortion and wickedness. Ye foolish ones, did not He that made the outside make the inside also? But give for alms those things which are within; and behold, all things are clean unto you."—Lk. xi, 39f.*

*"Woe unto you, scribes and Pharisees, hypocrites! for ye cleanse the outside of the cup and of the platter but within they are full from extortion and excess. Thou blind Pharisee, cleanse first the inside of the cup and of the platter, that the outside thereof may become clean also."—Mt. xxiii, 25f.*[45]

This passage occurs in the so-called "Woes" upon the Pharisees, the literary source of which is very difficult to determine. I have accepted Canon Streeter's position that the differences in these two sets of Woes are due to an overlapping of sources, and that the Lucan form is to be adopted as essentially the wording which stood in Q.[45a] It is clear that we have in these two sets of denunciations material which has come from more than one source. If the sources be M and L rather than Q and M, as Streeter thinks, the error will affect our conception of Q perhaps, but it will not invalidate the conclusions as to Jesus' teachings.

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[44] Easton commenting on the passage remarks: "No saying of Christ is more thoroughly guaranteed than this. It conflicted in no way with his estimate of the law. The provisions of Dt. xxiv he regarded as simply the regulation of an abuse against which he felt it his duty to assert the primal command (Gen. ii, 24) in its original strictness." While the saying may not conflict with Jesus' estimate of the law it does conflict with the scribal estimate. See above pp. 153f.

[45] *Εἶπεν δὲ ὁ κύριος πρὸς αὐτόν· νῦν ὑμεῖς οἱ Φαρισαῖοι τὸ ἔξωθεν τοῦ ποτηρίου καὶ τοῦ πίνακος καθαρίζετε, τὸ δὲ ἔσωθεν ὑμῶν γέμει ἁρπαγῆς καὶ πονηρίας. Ἄφρονες, οὐχ ὁ ποιήσας τὸ ἔξωθεν καὶ τὸ ἔσωθεν ἐποίησεν; πλὴν τὰ ἐνόντα δότε ἐλεημοσύνην, καὶ ἰδοὺ πάντα καθαρὰ ὑμῖν ἐστιν.*—Lk. xi, 39f. *Cf.* especially verse 26 in Matthew: *Φαρισαῖε τυφλέ, καθάρισον πρῶτον τὸ ἐντὸς τοῦ ποτηρίου, ἵνα γένηται καὶ τό ἐκτὸς αὐτοῦ καθαρόν.*

The particular saying before us appears in such different forms in Mt. and Lk. respectively that it is clear that it has come down through a double tradition. The cleansings of which it speaks are regulated by the oral law, the lengthy tractate Kelim ("vessels") containing for the most part laws pertaining to this subject. These scribal laws, however, are only elaborations of passages in the Pentateuch. Thus the law that all uncovered vessels in a tent in which one dies are unclean is Biblical (Nu. xix, 15), the regulation concerning the purification of vessels bought from heathen goes back to Nu. xxxi, 24, the law of impurity due to the touch of the carcass of an unclean animal such as a mouse is Biblical (Lev. xi, 35). Schürer, who uses the laws of uncleanness of vessels as one of two chief supports for his famous chapter on "Life Under the Law," begins by stating that "the enumeration of the chief kinds of uncleanness, it must be owned, are for the most part based on the enactments of the Pentateuch."[46] Thus while the particular rules as to the conditions which produce uncleanness and the means of removing it were the work of the scribes, they were only carrying out precepts which stood in the Mosaic writings.

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[45a] See above, p. 185.

The saying as it stands in Luke is notoriously obscure and has obviously undergone alteration in transmission. A comparison of the verse with the parallel one in Matthew enables us to understand the central meaning of the saying, though the reasoning by which this was demonstrated still remains uncertain. According to Lk., the Pharisees cleanse the outside of cups and dishes but within they, the Pharisees, are filled with extortion and malice. In Mt. it is the inside of the dish, which is filled by extortion and self-indulgence. These differences are negligible. Over against the ceremonial cleansing of vessels Jesus put the moral uncleanness of the users of the vessels. As to the conclusion of the saying, we are even more fortunate in that we have it in two forms. Lk.'s text obviously needs emendation and most scholars have accepted Welhausen's suggestion that *zakki,* the Aramaic original of Lk.'s "give alms," represents a misreading of *dakki,* purify or cleanse.[47] According to this emendation, the saying concluded: "But cleanse what is within and behold all things are clean unto you." This reconstruction seems confirmed by Mt.'s version of the saying.[48]

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[46] Schürer. *The History of the Jewish People in the Time of Jesus Christ*, Div. II, Vol. II, p. 106.

This passage is of great importance. We have seen that the two chief objectives of the movement which during this period was forming religious-minded Jews into voluntary pietistic societies were the exact payment of the tithe and obedience to the rules of ceremonial purity. We have already seen how Jesus came into conflict with this movement by his refusal to separate himself from the 'amme-ha-'ares and by his refusal to practise the rite of hand-washing before meals. The saying under consideration is preserved from another area of conflict, the setting and occasion of which unfortunately have been lost. It deals with the demand for careful attention to the laws concerning the cleanness of vessels used for food. In the saying Jesus declares that the dish itself cannot make one who eats from it clean or unclean. The similarity of this in underlying meaning to the statement in Mk. vii, 15, "There is nothing outside a man which going into him is able to make him unclean," has already been pointed out.

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[47] Welhausen, *Luc,* p. 61.

[48] Torrey (*Studies in the History of Religions Presented to C. H. Toy,* p. 312-3) points out the scarcity of the evidence that *zakki* ever meant "To give alms." The specific evidence of Welhausen is entirely from Mohammedan thought, according to Torrey. He explains the passage differently: The original behind Lk. ver. 41a was עבדו צדקא "make righteous." This as taken in its idiomatic sense and erroneously rendered, "give alms" (see Mt. vi, 1-4). This view reaches by a different route the same conclusion as that state above.

Since so many of the regulations concerning the cleanness of vessels are rabbinic, it might be contended that Jesus in this saying is repudiating only traditions of the elders rather than the written law itself. It is very probable that the great majority of the halachic decisions of the tractate Kelim were developed during the course of the first century and may not have had authoritative sanction in Jesus' day. In that case the saying before us might be placed beside Mk. vii, 8: "Ye leave the commandment of God to keep your own tradition." But it is evident that the saying goes far beyond such a position. It is couched in sweeping terms. There is no distinction between Biblical regulations about dishes and scribal ones. According to the saying, if the contents of the cup be morally clean (or the heart of the one using it), the cup is clean whether it may have been left uncovered in a house of death or have been touched by some one with an issue on his body.[49]

Thus the saying is similar in its purport to Mk. vii, 15: "There is nothing outside a man which can defile him by going into him"; and guarantees to us the substantial accuracy of that saying. In the passage before us, Jesus opposes to the scribal view his own view of the Torah, that it commands love of God and man, the moral qualities of the heart for which the ancient prophets strove; and he is willing to carry this not merely to the point of saying that these moral qualities are more important than the ceremonial, but that in their presence the absence of obedience to the ritual does not necessarily make one unclean before God.

Thus far the Q source supports the results of our examination of Mark's Gospel. But there remain three sayings which go considerably beyond anything we have thus far encountered. One of these affirms, or seems to affirm, the abrogation of the law in its entirety. The other two affirm the binding character of each precept in the Torah. It only remains for us to examine these in detail.

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[49] See Nu. xix, 5 and Lev. xv, 12.

> *"The law and the prophets were until John: from that time the kingdom of God is proclaimed, and everyone violently enters into it."—Lk. xvi, 16 Mt. xi, 12f.*[50]

This is one of the most obscure of the Synoptic passages. The difficulties concerning it begin with the difference between the Lucan and Matthean forms of the utterance. Streeter's judgment is that the three sayings, Lk. xvi, 16-18, are "perhaps from Q." [50a] The saying is so difficult of interpretation that the differences in wording of the two forms may well be due to modifications by one or both of the evangelists in endeavouring to make clear its meaning.

The most important difference between the two versions is that in Luke we read: "The law and the prophets were until John," whereas in Matthew, "the prophets and the law prophesied until John." Luke's form seems to be the more original of the two. Matthew has placed the saying in the midst of a discussion as to the greatness of John. He uses it to introduce the declaration, "and if ye wish to receive it, this is Elias who is to come." [51] This would make it seem likely that Matthew has given this part of the saying a slightly different turn, making it accord with the theme of the section in which it is placed. One notes also the way in which the usual phrase "the law and the prophets" has in his form of the saying been reversed. In another particular also the first part of Mt.'s version appears less original than Luke's. "From the days of John the Baptist until now" seems to be looking back over a considerable period. Lk.'s *ἀπὸ τότε* covers the same ground but without indicating quite so plainly the reflective point of view of a later generation. In the second half of the verse, Luke seems to be trying to simplify and interpret the sayings, but it is not that half in which we are so much interested.

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[50] *ὁ νόμος καὶ οἱ προφῆται μέχρι Ιωάννου· απὸ τότε ἡ βασιλεία τοῦ θεοῦ εὐαγγελίζεται κτλ.*

[50a] *Op. cit.*, p. 286. So also Easton, *The Gospel According to St. Luke, p.* 249; Klostermann, *Lucas*, p. 249; Bultmann, *op cit.* p. 101; and McNeile, *The Gospel According to St. Matthew,* p. 335.

[51] Mt. xi, 14.

Taking the verse then in what appears to be the more original form, we find two propositions: (a) The law and the prophets were in some sense until John, and (b) since John, the kingdom is present and either suffers violence or makes its way violently. Thus we have a contrast between the law and the prophets on the one hand and the present kingdom on the other. It would seem that the saying reflects in a rudimentary fashion the later idea of two dispensations, the kingdom which began with John superseding the older condition or state.[52]

[52] *Cf.* another saying, "There is none born of woman greater than John, but the least in the Kingdom of God is greater than he" (Lk. vii, 28 = Mt. xi, 11).

If this be the underlying meaning rather than the mere statement that law and the prophets foretold the work of John, it has only to be stated for its lack of genuineness to be seen. Jesus undoubtedly thought of the period of the kingdom as an æon markedly different from all previous history, but he would not have described it as a period in which the law and the prophets had ceased. That is an idea which accords rather with Paul's words in Gal. iv, 1-4, than with the sayings of Jesus. Its roots are to be found in Hellenistic circles rather than in Palestine and belong to the period when the infant church had developed a consciousness of its own, distinct and apart from the historic religion of Israel.[53]

*"Woe unto you Pharisees! for ye tithe mint and rue and every herb, and pass over judgment and the love of God: but these ought ye to have done and not to leave the other undone."—Lk. xi, 42; Mt. xxiii, 23.*

Of exactly opposite tenor is this saying appearing in the two collections of "Woes to the

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[53] On the continuation of the Torah in the Messianic Age and in the "Age to Come," see Moore, Vol. I, pp. 270-4. The saying of R. Johanan (Jer. Meg. 70d) that in the Messianic Age the prophets and the Hagiographa will pass away but that the five books of the law will not pass away, rests on the idea that the former are concerned chiefly with reproof and corrections of Israel's sins. (See S-B, Vol. I, p. 246 and Moore, Vol. I, p. 245.) Similarly the saying

Pharisees." Here we have it affirmed that tithing mint, dill, and cummin (Lk. has more probably modified the list) are moral obligations which should not be neglected.

If it be granted on the basis of the verbally similar conclusions that the two sets of "Woes" go back at least in part to a common source, there will be little objection to attributing this particular verse to the Q source. The question of the correct text of the Lucan passage, however, creates more difficulty, and scholarly opinion on the point is divided. It would be most convenient, indeed, to follow Codex Bezae in omitting the final clause from Luke's text. But D, unsupported by any of the important manuscripts, is weak authority, nor can one forget that Codex Bezae is one of the manuscripts which presents the apostolic decree of Acts xv, 29, as having nothing to do with foods, adding to it the Golden Rule. It is more likely, then, that it has dropped the troublesome clause here than that it has been added to the text, so that it seems necessary to accept the clause as part of the original text of Luke.

The law of the first tithe goes back to the Scriptures, but as in so many other instances

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of the same rabbi that the laws concerning leprosy would be superseded in the "Age to Come" rests on the thought that in that time there will be no leprosy. On the belief in the permanency of the Torah in Jewish thought, see Ch. II.

the specific directions for carrying it out were quite vague. The primary passage, Nu. xviii, 21-24, is general. Lev. xxvii, 30, and Dt. xiv, 22f, mentioned "seed of the land" and "fruit of the land" and more specifically, "thy corn, wine, and oil." Rabbinic exegesis deduced from these passages the general principle: "everything that is eaten and is watched over and grows out of the ground is liable to tithe."[54]

But Jewish society had been very negligent about paying the tithes exactly, and this negligence or "robbery of God" was one of the leading motives in the formation of the pious associations. One of the two primary obligations which these societies laid on their members was the accurate separation of the tithe.[55] Not to obey this precept of the Torah is to mark one out as an 'am-ha-'ares, "even though he have good works or be a student of the Torah." This Pharisaic movement did not produce its full results until the second century but how much progress had been made even before 70 A.D. is shown by Rabba Johanan ben Tortha's comment on the disaster of 70 A.D., "Why was Jerusalem of the first temple destroyed? Because of idolatry, unchastity, and bloodshed in her midst. But under the second temple we know that they [the Israelites] busied themselves with study of Torah and *they paid careful attention to the tithe.* Why then were they carried into captivity? Because they loved mammon and hated each other."[56]

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[54] Maaserot 1, 1. See article "Tithes" by Moore in *Ency. Bib.*, Vol. IV, and the excursus "Die Abgaben von den Bodenerzeugnissen" in S-B, Vol. IV, pp. 640ff. Strack-Billerbeck remark that the formulation of this principle may have been the work of the second century (Vol. IV, p. 650).

[55] See above, pp. 133f and 156.

This meticulous tithing of mint, dill, and cummin is, in the saying before us, contrasted with a neglect of the weightier things of the law. These are said to be justice, mercy, and faithfulness, an enumeration taken from the prophetic books.[57] Thus the saying shows again the emphasis on the ethical and moral elements in the Scriptures which we have seen to be characteristic of Jesus' point of view. It is fully in accord with his statement as to the chief commandment and his attitude toward various elements of the ritual.[58] But to this saying there is added the command: "But these ye ought to have done and not to leave the other undone" (*Ταῦτα ἔδει ποιῆσαι κἀκεῖνα μὴ παρεῖναι*). According to this addition, tithing of garden seed is binding no less than justice, mercy, and faithfulness. Did Jesus say this?

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[56] Tos. Menahot 13, 22, quoted in S-B, Vol. I, p. 642. For additional evidence, see *ibid,* p. 659f.

[57] *Cf.* Micah vi, 8 and Jer. v, 1.

[58] It is also fully in accord with the opinion of many scribes. The quotation just made from Johanan ben Tortha, for example, points out that meticulous tithing and study of the Torah did not avail in the face of love of mammon and hatred of each other. The illustrations could be multiplied.

If so, he agreed with the Pharisaic movement which was organising the Ḥaburoth and separating their members from the ‘amme-ha-’ares in at least half of its major objectives, the attainment of exact obedience to the Mosaic law of the tithe. For it is just this part of the laws of tithing, the separation of the "first tithe," or tithe of agricultural products, which people were most negligent in paying and which gave the greatest concern to the Ḥaberim.[59]

There is no reason on grounds of principle for not believing that Jesus approved the payment of the tithes as the law commanded. He himself paid the annual half-shekel tax to the Temple.[60] While he very plainly subordinated the ritual to ethical considerations—one's gift should be left waiting at the altar until a brother be reconciled[61]—we know that he had great reverence for the Temple and the cultus of his people.[62] Hence there is nothing inherently improbable in the testimony that he urged those careless of their obligations to religion to pay the tithes as commanded by the law.

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[59] There seems to have been no question as to the payment of "First Fruits" and the *Terumah Gedolah.* The difficulties regarding the taxes concerned primarily the tithe of the agricultural products, the law in mind in the tithing of garden herbs. See article "Demai" in *Jewish Encyclopedia,* and S-B, Vol. IV, pp. 650ff., particularly p. 654.

[60] Mt. xvii, 24f.

[61] Mt. v, 24.

[62] See pp. 114 and 219.

Nevertheless it is scarcely possible to accept the final clause as a genuine utterance of Jesus. In the first place, the statement has all the appearance of a later addition defending Jesus' teaching from criticism rather than a part of the original denunciation of the Pharisees. It concerns itself with the goodness of tithing rather than the badness of the Pharisees, and it seems to belong to a later period of reflection in the early church rather than to the original heat of the conflict. Nor was it Jesus' method to follow his utterances with qualifying phrases and interpretative additions. It is just such care lest one overstate or not do justice to both sides of a question which distinguishes the reflective theologian from the active preacher of righteousness. One thinks of the principles that Jesus laid down in the Great Sermon and of his demand for an allegiance that was superior to the claims of one's family, all without such qualifying, explanatory phrases. Such parallels suggest that the words before us are secondary in origin.

This impression is deepened when one considers the specific content of the utterance. Logically he could have commanded tithing of mint, dill, and cummin while at the same time urging upon men the supreme duty of seeking and saving the lost. Actually it is hardly likely that he did so. It was not tithing itself that he opposed but the state of mind which concerns itself with the tithe even of condiments raised in the garden. For such scrupulousness is scarcely the accompaniment of the type of activity which Jesus himself exhibited and desired to evoke. It involved an estimation of the importance of tithing which Jesus certainly did not have. To tithe with complete accuracy required avoidance of the tables of those who were careless in the matter, as the Pharisees clearly saw. To gain this end Pharisaism enjoined separation from "the people of the land"; Jesus opposed it. He denounced the Pharisees in bitter terms and was generally known as the friend of publicans and sinners. It is historically and psychologically unbelievable that one of the demands which he made was that the tithes be paid with the most minute and detailed accuracy.

*"It is easier for heaven and earth to pass away than for one tittle of the law to fall."* [62a]*—Lk. xvi, 17 = Mt. v, 18.*

The saying now to be examined goes beyond anything which we have hitherto encountered in its affirmation of the permanent validity of the entire Torah. The form of the saying in Mt. differs from the one in Lk. in three respects. Its opening clause is differently constructed—"till heaven and earth pass away"; it adds "one yod" to the central expression, and it has an additional clause, "until all be done." The first and last of these changes seem to be due to an editorial recasting of the verse. For one finds in Mt. xxiv, 34, 35, these identical phrases, even to the opening words, Ἀμὴν λέγω ὑμῖν, the statements being made with reference to the words of Jesus rather than the minutiæ of the law. If this be true, one will perhaps explain the addition of "yod" (ἰῶτα) to the expression as due to the greater familiarity of "Mt." with rabbinic idiom.[63] Though these considerations give a satisfactory explanation of the differences between the two versions, it must be admitted that the allocation of this saying to the Q source cannot be insisted upon.

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[62a] Εὐκοπώτερον δὲ ἐστιν τὸν οὐρανὸν καὶ τὴν γῆν παρελθεῖν ἢ τοῦ νόμου μίαν κεραίαν πεσεῖν. The saying in Mt. reads: Ἕως ἂν παρέλθῃ ὁ οὐρανὸς καὶ ἡ γῆ, ἰῶτα ἓν ἢ μία κεραία οὐ μὴ παρέλθῃ ἀπὸ τοῦ νόμου, ἕως ἂν πάντα γένηται.

The yod was regarded as the smallest letter and the "tittle" the smallest distinct portion of a letter. Hence our saying affirmed the validity of the law to the last detail. Rabbinic parallels to the statement have already been quoted, and it is quite likely that the general form of the statement was current in the first century homilies in the synagogue.

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[63] See the references to the yod as the smallest letter in S-B, Vol. I, pp. 247-8.

Can this saying be regarded as authentic? On the one hand it is well attested. The Q source we have seen to have a definite anti-Pharisaic bias, and a saying such as this has greater claim to originality therefore than one of opposite tenor. On the other hand if its Q origin be denied (or if Mt.'s version be set down to some other source), we are forced to explain the preservation of the saying in two early Christian traditions. It would be as arbitrary, therefore, to reject this logion as to declare that Mk. vii, 15, has no claim to genuineness.

Nevertheless, Jesus most assuredly did not regard certain precepts of the Torah as always and under all circumstances obligatory. The law of Sabbath rest, the law of the performance of oaths, the ancient law of the shewbread, he declared to be of limited authority. The laws concerning the cleanness of vessels, he said to be of no consequence if one's motives were not righteous. Food, he said, could not make one unclean before God, and the law of divorce he specifically repudiated.

There are two possible explanations. We can set the contradictory sayings about the law side by side and leave them in their stark opposition, falling back on the view that Jesus wavered in his own attitude toward the Torah. "Such contradictions," writes Pfleiderer, "find their most natural explanation in a change of mood such as is found in other heroic pioneers, as for example, in Luther."[64] Or we can remember the high respect with which Jesus speaks of the Torah. To his mind it contained the way to salvation, it was spoken "in the Holy Spirit," it was the commandment of God."[65] He understood it differently from the way in which the official teachers understood it, but none the less it was for him as for them a revelation of God. Remembering this positive conviction, we can well believe that there were genuine utterances of the teacher speaking of the permanent validity of the Torah in terms similar to those used in the synagogue, not of each specific precept as an independently valid unit but as one revelation the essential core of which was of permanent validity. In the course of time such utterances may have lost their original settings of time and place and have grown perhaps stronger and sharper in form, to become finally the watchwords of the conservative party in the church. Between these alternatives the choice seems obvious. Jesus' reverence for the Torah was deep and instinctive; it was only in the eyes of his opponents that he appeared as a critic of the law. But a final decision on this point must be withheld until the material in Matthew has been studied.

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[64] *Primitive Christianity,* Vol. II, p. 459.

[65] Lk. x, 28; Mk. xii, 36; Mk. vii, 13.

This survey of the data appearing in the Q source offers striking confirmation of the suggestion made at the beginning of this chapter concerning the origin of Q. The document was universalistic in outlook. It declared that many would come from the East and the West and lie down in the kingdom of God while the sons of the kingdom would be cast aside. It was bitter in its denunciation of the Pharisees. The circle from which it came was non-ritualistic in temper, emphasising the ethical interpretation of the Torah and declaring that love to God and to man were its chief commandments. But the source contained an explicit statement of the validity of the whole law. This position is surprisingly paralleled by the speech of Stephen in Acts. Stephen, too, was non-ritualistic in attitude, even declaring the Temple itself to be unnecessary. The speech attributed to him denounces also the Pharisaic leaders in the bitterest terms. But it contains no word of attack against the law, declaring it to have been "ordained by angels" and to have been delivered through the hand of Moses as "living oracles." [66] Thus the attitude of the Q document toward the Torah bears out the suggestion that the Q sources had some connection with those who shared the viewpoint of Stephen. Only the obscure verse, Lk. xvi, 16 = Mt. xi, 12, deviates from the attitude of Stephen's speech.

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[66] Acts vii, 51 and vii, 38.

# CHAPTER VI

## THE TRADITION PRESERVED ONLY IN MATTHEW

THE tradition peculiar to the Gospel of Matthew brings out the essentially Jewish character of the mental outlook of Jesus. Much of this material has been anticipated. From this source (or sources) even more than from Mk. we learn of Jesus' loyalty to the Temple. He pays the annual tax for its support,[1] he approves offerings at the altar,[2] he speaks of the Temple as hallowing the gold used in it and the altar as making holy the gift offered upon it.[3] Jerusalem is described as "the city of the Great King."[4] Specific directions to the disciples to confine their work to the "house of Israel" have been preserved in this source.[5] And in this material, as well as in that from Q, we find Jesus using the word Gentile as connoting those in religious ignorance, heathen, who do not know the truth.[6]

In M we find corroboration of the fact pointed out earlier that Jesus made comparatively little direct use of the Scriptures. He did not cast his teachings in what I have called the Scriptural mould. In the M source there is no instance in which Jesus appeals to the Scriptures in support of his teaching. Indeed, with the exception of the special section Mt. v, 21-48, in which Jesus' ideal is contrasted with the older law, there is in this source no case of direct quotation which will stand critical examination.[7] One must not make too much of this point, but it is important as indicating the independent approach to and formulation of his message. It is easy to understand how questions concerning the relation of this teaching to the contents of Torah arose repeatedly.

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[1] Mt. xvii, 27.

[2] v, 24.

[3] xxiii, 17, 19.

[4] v, 35.

[5] x, 5; x, 23; xv, 24, 26.

[6] vi, 7; xviii, 17.

The source corroborates also the evidence previously examined regarding Jesus' attitude toward certain precepts of the law, in particular the law of the Sabbath. The sayings in this case constitute additions by the editor to Mark's narratives. The first of these is in the account of Jesus' defence of his disciples for plucking grain on the Sabbath: "Have ye not read in the law how that on the Sabbath day the priests in the temple profane the Sabbath, and are guiltless? But I say unto you, that one greater than the Temple is here."—Mt. xii, 5f. The last of these statements is scarcely authentic. It contradicts testimony elsewhere that Jesus made no public claim to Messiahship previous to his trial, and the suspension of the law of Sabbath work on grounds of his own dignity is quite out of line with his handling of the problem on other occasions. The citation of priestly work on the Sabbath in performance of the duties of the cultus as a precedent may be original, though probably not in this context. If genuine, the saying constitutes another instance of an appeal by Jesus to the oral law for a moral principle.[8] The argument runs as follows: Just as the violation of the law of rest by priests in order to obey commandments of God is recognised as justifiable, so also neglect of the same law in order to obey other elements of the Torah, "to do good rather than harm," is warranted. Whether the passage be genuine, however, must remain uncertain. The rather obvious character of the reference,[9] and the theological use made of it in the passage before us prevent any dependence being put upon its authenticity.

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[7] The quotation in xxi, 16 from Ps. viii, 2 is from the LXX and not the Hebrew text. The long quotation of Is. vi, 9f. in xiii, 14f. is obviously an editorial amplification of Mk. and probably comes from Mt.'s collection of proof-texts.

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[8] The law relative to the Sabbath sacrifices in the Temple is in Nu. xxviii, 9f. The rabbinic law recognized that any duty commanded by the Torah at a particular time which fell on the Sabbath took precedence over the law of Sabbath rest, as affirmed in Shab. 132b and elsewhere.

[9] Note the number and direct character of the references to this priestly freedom in the rabbinic literature, S-B., Vol. I, p. 620-2.

A second addition to Mark's narrative is found in Mt. xii, 11f, the story of healing on the Sabbath a man with a withered hand. The addition reads: "What man shall there be of you that shall have one sheep, and if this fall into a pit on the Sabbath day, will he not lay hold on it and lift it out? How much then is a man of more value than a sheep?" In this case we are on firm ground, for the saying appears also in Lk.'s special source, this time in connection with healing on the Sabbath a man suffering from dropsy.[10] A similar saying appealing to acts committed on the Sabbath in connection with the care of animals is also found in Lk.[11] The genuineness of the argument, therefore, cannot be doubted.

In this passage the appeal is again to the oral law as containing a valid standard of action. The argument is quite clear. It is permissible to lift a sheep out of a ditch on the Sabbath day; a man is of more value than a sheep; therefore it is right to restore on the Sabbath the withered hand of a man or to heal a case of dropsy. The argument was not strictly valid; for permission to help the animal out of the ditch was based on the assumption that the animal was either in severe pain or in danger of death, and it might have been replied that the individual in this

[10] Lk. xiv, 5.

[11] Lk. xiii, 15f.

case was in neither condition.[12] The thought is the same as that expressed in Mk. by Jesus' question: "Is it right to do good or ill on the Sabbath, to save life or to kill?" Jesus evidently regarded the saving of life on the Sabbath, both animal and human, not as a concession but as expressive of the true spirit of the Torah. Back of the argument itself lies Jesus' conviction of the supreme value of man in God's sight.

But more important than this material corroborating Mk. is the presence of two groups of sayings, one apparently affirming the validity of the entire Mosaic law and the other presenting the teachings of Jesus as a new law supplementing and superseding the older legislation. We must consider these two important groups in turn.

In the case of the first group it will be well to note at the outset the full list of sayings affirming the validity of the Torah in order to give full weight to this evidence. The following constitute an impressive list:

(a) "Think not that I came to destroy the law or the prophets; I came not to destroy but to fulfil."—Mt. v, 17.

(b) "Whosoever therefore shall break one of these least commandments and shall teach men so, shall be called least in the kingdom of heaven: but whosoever shall do and teach them, he shall be called great in the kingdom of heaven."—Mt. v, 19.

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[12] See Shabbath 128b, quoted by S-B, Vol. I, p. 629. The present passage seems to regard the legality of helping animals out of a ditch on the Sabbath as undisputed, and probably reflects the situation in Jesus' day.

(c) "For I say unto you, that except your righteousness shall exceed that of the scribes and Pharisees, ye shall in no wise enter into the kingdom of heaven."—Mt. v, 20.

(d) "The scribes and Pharisees sit on Moses' seat: all things therefore whatsoever they bid you, do and observe."—Mt. xxiii, 2f.

To these sayings one should perhaps add two passages which have already been discussed in the chapter on the Q material, for Mt. may have taken them from his special source:

(e) "Till heaven and earth pass away, one jot or one tittle will in no wise pass from the law until all things be accomplished."—Mt. v, 18.

(f) "Woe unto you, scribes and Pharisees, hypocrites! for ye tithe mint, dill and cummin and have left undone the weightier matters of the law. . . . These ye ought to have done and not to have left the other undone."—Mt. xxiii, 23.

It is obvious that we have in these sayings a view of Jesus' relation to the Torah which is sharply opposed to that given by the Gospel of

Mark. It affirms that Jesus had no intention of annulling the Mosaic law and that on the contrary he declared it to be binding in all of its particulars. When now it is noted that this special source of Matthew also preserved the sayings, "Go not into the way of the Gentiles and enter not into a city of the Samaritans,"[13] and, "Ye shall not have gone through the cities of Israel until the Son of Man be come,"[14] the conjecture that we have in it part of the tradition of the Palestinian, "Judaistic," wing of the early church seems amply justified. To the editor of the gospel these sayings did not carry the conservative meaning they evidently bore earlier. It was he who added to the statement of the chief commandment and to the "Golden Rule" the comment, "this is the law and the prophets." It was also probably the editor who added to two accounts of criticisms of Jesus' behaviour the statement that the Pharisees should learn the meaning of Hosea's words: "I desire mercy and not sacrifice."[15] It was the editor, furthermore, who placed most of these sayings on the validity of the law as an introduction to the "Antitheses" in which Jesus is made to correct and extend the law. "Matthew" evidently understands these sayings to mean that the law is binding in the new form and sense

[13] x, 5.

[14] x, 23.

[15] See above, pp. 95f.

which Jesus gave to it, but this will not blind us to the meaning which the words had for groups of Christians who preserved and cherished them.

It is now necessary to examine these sayings one by one.

### Mt. v, 17

Our first task is to determine the precise meaning of *πληρῶσαι*, to fulfil. Three meanings are possible:

(a) Mt. uses *πληρόω* constantly in the phrase *πληρωθῇ τὸ ῥηθέν* to describe the fulfilment of prophecy. Does the verse before us mean that Jesus came not to destroy the law but to fulfil all its prophecies? One thinks of the many fulfilments of Scripture in this first gospel, of the saying "all the prophets and the law prophesied until John,"[16] and of the early Christian view of the Scriptures as prophetic oracles reflected in such passages as Lk. xxiv, 27. But decisive against this interpretation is the contrast between "destroy" and "fulfil." The saying deals with Jesus' attitude toward the commandments, not toward his fulfilment of prophecy.

(b) A second meaning of *πληρόω* is "to complete," "to bring to full expression," a usage

[16] Mt. xi, 13.

illustrated frequently in the New Testament.[17] This meaning of the word accords with the surface force of the antitheses which follow and which contrast the old law with the newer and more complete one delivered by the Messiah. This seems certainly the sense in which the editor read the word here. According to this meaning of πληρῶσαι, Jesus declared the law to be incomplete and inadequate and stated that he had come to carry it to its completion. The verse thus becomes a statement of the insufficiency and inadequacy of the Torah. There are three objections to this interpretation. In the first place, the balanced contrast of the second clause with the first is weakened, if not destroyed, by this view. In the second place, it makes this verse quite out of line with the succeeding verses of the paragraph which affirm the validity and (presumably) the sufficiency of the Torah. In the third place, and most important of all, it is very difficult to find any clear case which on critical examination reveals Jesus as making additions to the Torah. This third point, of course, will have to be proved in the succeeding pages.

(c) A third meaning of πληρόω is "to accomplish," "to establish," "to confirm," or in general, "to cause to stand." The word appears in this general sense in Mt. iii, 15 [18] and in Rom. viii, 4, and xiii, 8.[19]

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[17] II. Thess. i, 11; Phil. ii, 2; Jn. iii, 29.

That this is the meaning of πληρῶσαι in the verse before us and that it should be read "I came to establish the law," is shown by the following considerations:

(1) This conclusion is demanded by the first part of the saying. "Think not that I came to destroy the law or the prophets," leads up to an affirmation of the permanence of the law.

(2) This is the point of the succeeding verses in the paragraph with which this passage seems to have had some relation.

(3) A parallel saying is to be found in Aboth iv, 11.[20] The Hebrew text avoids the ambiguity of the Greek verb: "R. Jonathan said, He who fulfils Torah when he is poor will fulfil it in the end when he is rich. And he who makes void the Torah when he is rich will in the end make it void when he is poor." [21] Here the word for fulfil is the piel participle of קים, literally, "to cause to stand." [22] The analogy of the two expressions "to fulfil the law" contrasted with

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[18] *οὕτως πρέπον ἐστὶν ἡμῖν πληρῶσαι πᾶσαν δικαιωσύνην.*

[19] The second passage is clearest. The proposition *ὁ γὰρ ἀγαπῶν τὸν ἕτερον, νόμον πεπλήρωκε*, should be read in the light of the succeeding verses.

[20] iv, 13 in Taylor's edition.

[21] רַבִּי אוֹמֵר כָּל-הַמְקַיֵּם אֶת הַתּוֹרָה etc.

[22] The word is used in Ruth iv, 7 of "confirming" an agreement; in Ezek. xiii, 6 of "confirming" a prophecy.

"destroy" or "make void the law," makes it likely that back of the Greek of Mt. v, 17, lies the same idiom. In that case one should translate as suggested above: "I came not to destroy the law, but to establish it."

(4) Thus interpreted, the saying is consistent with the other material in the gospels on Jesus' attitude toward the Torah. We have seen abundant evidence that he found in it the revelation of the will of God. True, he had a view of it different from that of his contemporaries. But to establish the heart of the Torah, its deeply humanitarian and ethical spirit, its insistence on a love of God which transforms the inner life of man, was the very mission to which Jesus gave himself. In view of the suspicions raised against him and the outspoken criticism that he was opposed to and destroyed the law of God, there is no reason to doubt that he should have spoken such words as these.[23]

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[23] Opposed to this conclusion stands one important piece of evidence, the Imma Shalom story in Shabbath 116 a and b, in which a Christian *philosoph* quotes from "the law of the Evangelion," "I am not come to take away from the Law of Moses *but I am come to add* to the Law of Moses." (The text of this saying is disputed, the modern editions reading "and I am not come to add to the Law of Moses." Professor G. F. Moore has been kind enough to write me at length, however, confirming the above text with אלא)

Nevertheless, I adhere to the interpretation of Mt. v, 17 given above. (a) The Imma Shalom incident happened after 70 A.D.,

## Mt. v, 18-20

In the light of this meaning of verse 17 the verses which follow can be treated summarily. Verse 18 we have allocated to the Q source and

and the narrative recording it occurs in the Gemara. Its late character is also attested internally. (See Klausner, *Jesus of Nazareth,* pp. 44f.; S-B, Vol. I, p. 242.) (b) The *philosoph,* who quoted the saying, declared before he received the second bribe: "From the day when ye were exiled from your land (i.e. 70 A. D.) the Law of Moses has been taken away and the law of the Evangelion has been given." The theological point of view here revealed is certainly considerably removed from that of Jesus. We are dealing with a Christian circle of the closing years of the first century where the law of the gospel has been substituted for that of Moses. That this circle possessed a saying attributed to Jesus: "I am come not to take away from the law but to add to it," is no more decisive as to the original utterance than the fact that "Matthew" seems to have interpreted Mt. v, 17 in a similar way. (c) In the face of the examination of the textual evidence by Professor Moore, I do not doubt that the true text reads: "but I am come to add to the law of Moses." But I must admit a suspicion that the story had suffered modification between the occurrence of the incident and the time of its being put in writing a century or so later. Imma Shalom wished to inherit part of her father's estate. According to the Law of Moses a daughter does not inherit where there are sons. (See article "Inheritance" in J. E., Vol. VI, p. 587.) She bribed the *philosoph,* who declared that the law of the Gospel superseded the law of Moses and that she should share equally with her brother. The brother then sent a larger bribe, whereupon the *philosoph* reversed his decision, agreed with the rabbinic law, declared that he had read further in the book and quoted the saying under discussion. The argument certainly calls for a saying confirming the Mosaic law. It is this which appears to have been responsible for the modern corruption of the text. I cannot help but surmise that this "corruption" is in the right direction.

For these reasons I have not felt warranted in reversing the conclusion reached as to the original form of the saying of Jesus on this evidence found in a very curious book by a Christian teacher some time after the fall of Jerusalem.

discussed in the previous chapter.[24] To regard verse 19 as an authentic utterance is frankly out of the question. As Klosterman remarks, it "points to coming events in the Christian community." [25] It might have been uttered by the critics of Jesus but not by Jesus himself. His viewpoint and behaviour were quite opposed to the attitude toward the law here expressed. Verse 20 may be genuine. It contains nothing which is not expressed repeatedly in the denunciations of the Pharisees found in Q, M, and, to a slight extent, in Mk. More likely, however, it is an editorial statement preparatory to the contrast between Jewish and Christian piety which follows immediately.

## Mt. xxiii, 2 AND 3

To these sayings inculcating obedience to the whole of the Torah must now be added a saying which appears as a sort of introductory concession to the Matthean woes against the scribes and Pharisees: In this statement the authoritative teaching function of the scribes is recognized and obedience to their instruction is commanded. That the saying includes the oral as well as the written law is beyond question.

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[24] That verse 18 breaks the logical sequence of 17-20 affords some support to this allocation.

[25] *Das Matthäus Evangelium,* p. 41.

It suggests Aboth 1, 1, more than it does any other saying of Jesus. The saying seems to have been another one of the early Christian explanations of the conflict between Jesus and the scribes, namely, that both taught obedience to the Torah but the latter did not obey their own teachings. We have seen that this is virtually the position of the Q document and of the speech of Stephen.

The contradiction between this saying and practically all the material which we have thus far surveyed is obvious. Nor can its authenticity be saved by appealing to the fact that Jesus undoubtedly agreed with a great deal which the scribes and Pharisees taught, with practically all of their haggadic teaching. For that is not what the saying declares. In contrast to the declaration in Mark that the scribes teach a human and invalid tradition, this saying declares that they stand in a succession of authority. And over against Jesus' rejection of a definite number of scribal rulings, the saying enjoins that one shall "do and observe everything they tell you." The extreme character of the saying is its own repudiation. The saying expresses the viewpoint of James "The Just," revered by the Pharisees for his piety in accordance with the law,[26] and of those members of the Jerusalem church about whom James is reputed to have said of Paul: "They are zealous for the law and have been informed concerning thee that thou teachest all the Jews which are among the Gentiles to forsake Moses, neither to walk after the customs."[27]

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[26] Josephus, *Antt.*, xx, 9, 1 and Eusebius *H. E.*, ii, 23.

## THE ANTITHESES

This brings us to the second important group of sayings peculiar to Matthew. In this section we find the teachings of Jesus set in contrast to the teaching of the law, the six different items in the contrast being introduced by the formula, "Ye have heard what was said to them of old . . . but I say . . . " (Ἠκούσατε ὅτι ἐρρέθη τοῖς ἀρχαίοις . . . ἐγὼ δὲ λέγω . . . ).

Some of this material appears also in Luke, but not in contrast to the Mosaic law. It has been suggested, therefore, that the present arrangement of the section is that of the editor of the first gospel, who prefixed to sayings taken from several sources the introductory formula and the citations of Old Testament passages.[28]

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[27] Acts, xxi, 20f.

[28] Thus Dr. Gilbert in *Jesus and His Bible,* p. 64f. "We therefore regard this sharp antithetic setting of certain words of Jesus as originating with this writer (Mt.) who, as we have already seen, was deeply interested in the relation of the Old Testament to Jesus."

With this suggestion I cannot agree. The references to the older law seem too closely knit to the sayings which follow merely to have been prefixed by the editor. Thus in verse 22, "shall be liable to the judgment" seems to require the similar expression in verse 21. In verse 28 the general form of the saying, as well as the word ἤδη specifically, seems to assume some such citation of the seventh commandment as appears in verse 27. In verse 34, "Swear not at all" hangs in the air without verse 33. In these cases the antithetic portion of the utterance certainly seems to belong with the positive teaching. If so, it did not originate with Mt.

It is quite possible, however, that the editor, finding certain "Antitheses" in his source M, has created additional ones by prefixing the formula to sayings from Q. This is the view of Albertz, whose discussion of the structure of this section in Mt. is the most thorough that I have read.[29] Albertz regards the first, second, and fourth of the Antitheses as original (namely, 21f, 27f, and 33f) and the third, fifth, and sixth as editorial. In the case of the third, the antithesis between the law of divorce in Deuteronomy and Jesus' teaching on the subject, we may well agree. Virtually the same saying appears in Lk. without reference to the Mosaic

[29] *Die Synoptischen Streitgespräche,* p. 146f.

law, and in Mk., where Deuteronomy is cited, the teaching is not given in the form of a direct antithesis. In content it repeats in a special case the general theme of the second Antithesis. Furthermore, its introductory formula is noticeably different from the others, the important Ἠκούσατε ("Ye have heard . . .") being omitted and the phrase being abbreviated simply to ἐρρέθη δέ ("It was said also . . ."). But it is not so clear that the fifth and sixth Antitheses are the work of Mt. The verbal differences from the similar teaching recorded in Luke are such as to suggest that here Matthew has conflated the Q sayings with similar material from M.[30] If this be the case, the antithetic form of the teaching may well come from the M source instead of being in these cases the work of the editor, as Albertz thinks.[31] On this point, however, one cannot be positive and we are scarcely justified in any more definite statement than that Mt. has apparently added to the Q data further material from his special source, and that the contrast with the law quite likely was already attached to this latter.

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[30] This, of course, is what Matthew seems to have done in the case of the Beatitudes. See Streeter, *The Four Gospels*, pp. 251f.

[31] The primary objection which Albertz raises against the authenticity of these last two Antitheses is the "form" of their structure. The "form" of Nos. 1, 2, and 4 (which he regards as genuine) runs thus: A precept from the Old Testament is quoted and this is then developed to a deeper but not contradictory significance. The fifth and sixth Antitheses—along with the third—contradict the precept which is quoted. But we shall see that the use of the formula in these last two sayings seems thoroughly in accord with the rabbinic idiom which the phrase is probably reproducing.

Granted, then, that the contrast of these sayings of Jesus with passages from the law stood in Mt.'s source in three and in possibly five of the six cases, I turn to the question of its meaning and significance. This involves a consideration of one aspect of the teaching of the scribes.

A definition of religion primarily in terms of law runs the risk always that individuals will be satisfied with an obedience to the literal precept, to the neglect of all that is not actually specified in the code. This the rabbis clearly perceived, and were on their guard against it both in the realm of halacha and more generally in their haggadic teaching. They warned their hearers against accepting the literal and superficial meaning of a precept of the law as exhaustive of its content. By the familiar device of interpretation and generally by the aid of other passages in the Scriptures, they were able to amplify and expand a precept which otherwise might suggest a limited ethical requirement. They went further and elaborated the Jewish doctrine of holiness, that the pious Israelite would not "wait for a distinct commandment." The law was regarded as a minimum requirement and not a definition of the ideal of conduct. The pious Israelite, according to this conception, "endeavours to be pleasing to his Maker, and like a good son studies his father's will, inferring from the explicit wishes of the father the direction in which he is likely to give him joy." [32] The doctrine is expressed in the principle "sanctify thyself even in that which is permitted unto thee." [33] This principle could be applied both to matters of ritual and to matters of morals and conduct. For some, obedience to the commandment which was basic in the doctrine of holiness, "Be ye holy, for I the Lord am holy," [34] meant in actual practice bringing offerings to the Temple more frequently than commanded, even daily.[35] For others it meant asceticism even in matters permitted, as in the case of certain rabbis of the second century who practised conjugal chastity.[36] Various sects of pietists are referred to in the Talmud, some ascetic, some overscrupulous in the ritual, others more difficult to classify.[37] These practices which went beyond the actual requirements of the law were not regarded as corrections of or additions to the Torah. "They simply looked upon it," says Schechter, "as a mere 'fence' [Geder], preventing man from breaking through the limits drawn by the Torah itself."[38] With these developments of the law in the direction of asceticism and voluntary extensions of the ritual and ceremonial law, important as they are,[39] we are not primarily concerned here, but rather with the principle which lay behind it, namely, the insistence that specific precepts of the law were only minimum requirements and that they should be obeyed in the spirit which other more general commands of the Torah enjoined.[40]

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[32] Schechter, *Some Aspects of Rabbinic Theology,* p. 209.

[33] Yebamoth 20a, Niddah 70b. On the doctrine of holiness, see Schechter, *op. cit.,* Ch. XIII; *Studies in Judaism,* 148-181; Moore, *Judaism,* II, p. 271f. and the article "Holiness" in the *Jewish Encyclopedia,* Vol.

[34] Lev. xix, 2.

[35] See Büchler, *Some Types of Palestinian Piety,* pp. 70-78.

[36] See Moore, *Judaism,* II, pp. 271f.

[37] See the article "Essenes" in the *Jewish Encyclopedia.* Abrahams in his essay "The People of the Land" in Montefiore, *The Synoptic*

Now it is a striking fact that this demand on the part of orthodox Judaism for an obedience which went beyond the letter of the commandment is in the moral sphere most clearly evident in the case of just those precepts which are cited

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*Gospels* (2d ed.), refers to this type of pietism (Vol. II, p. 664) but minimises the data unduly.

[38] *Some Aspects of Rabbinic Theology,* p. 212.

[39] The relation of this doctrine of holiness to certain developments of normative Judaism—notably the requirement that members of the Ḥaburoth eat their food in a state of purity—needs to be brought out more clearly than has thus far been done.

[40] This point of view which finds repeated expression in sayings of the greatest worth moves obviously away from the legalistic conception of religion toward a definition of religion in certain basic principles. It did not, however, go to the point of breaking down the authority of the specific precept of the law, but rather supplemented the law by the spirit.

in the Antitheses of Mt. v, 21-48. This will have to be demonstrated when we take these up separately. Before doing this, a further factor for the understanding of this section must be mentioned—that a phrase quite similar to the opening formula of our Antitheses was used by the rabbis in their exegesis. The idiom is as follows: "The text reads so and so. I *hear* from it so and so; *but* other texts prove that this is not its true meaning" [שומע אני . . . תלמוד לומר literally, I am hearing . . . the teaching to be taught . . .].[41] Thus to take a concrete example: "The Scripture reads, 'He that strikes a man so that he die, shall surely be put to death.' *I hear* (only), 'If he strikes a man'; what if he strike a woman or child? Therefore there is a teaching [Lev. xxiv, 27] which says, 'He that smites any person shall be put to death,' thus to include the one who strikes a woman or child. Lev. xxiv, 17, reads, 'He that smites any person.' *I hear* from that, even if he give him a box on the ear. Therefore there is a teaching [Ex. xxi, 12] which says, 'Whoever strikes a man so that he die. . . .'"[42] "Gen. ix, 6, says, 'Whoever sheds the blood of man, by man shall his blood be shed.'

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[41] See Abrahams, *Some Studies in Pharisaism and the Gospels*, (1st series), pp. 16f., Schechter, *op cit.*, pp. 213f.

[42] Mekilta on Ex. xxi, 12 (Winter-Wünsche edition, p. 248). The section contains repeated uses of the phrase. The above are quoted from Fiebig, *Jesu Bergpredigt*, pp. 32f. and Teil II, pp. 15f.

In this *we hear* the punishment but not the prohibition of murder. Therefore there is a teaching [Ex. xx, 13], 'Thou shalt not kill.' "[43] "Lev. xx, 10, says, 'The adulterer and the adulteress shall surely be put to death.' *We hear* in this the punishment but not the prohibition of adultery. Therefore there is a teaching [Ex. xx, 14] which says, 'Thou shalt not commit adultery.' "[44] These illustrations are sufficient to show that a phrase *"I hear"* or *"we hear"* was used of the literal meaning of a passage in contrast to its meaning interpreted in terms of other passages.

Turning back to the Antitheses themselves, and neglecting for the moment the introductory formula, let us now examine the positive content of Jesus' sayings. In this way we will be able to determine whether or not the teaching here given actually goes beyond Torah as it was interpreted in the first century.

The first Antithesis declares that anger against a "brother" and the application to him of terms of contempt are punishable before God equally with murder. The teaching is thoroughly Jewish. "Rabbi Eliezer said: 'Whoever hates his neighbour belongs to the number of those who shed blood.'"[45] "Resh Lakish said: 'He who raises his hand against his neighbour, even if he strike him not, is called an offender'—this in explanation of the words of Ex. ii, 13, 'Moses said to the offender, why do you *wish* to strike your fellow?'"[46] Another saying traced back to Rabbi Johanan ben Nuri compares anger to idolatry: "He who tears his hair, rends his clothes, breaks his vessels, or scatters his gold from anger, let him be in thy eyes as an idolator. For if his evil impulse said to him, 'Go serve idols,' he would do it."[47] With Jesus' words as to applying to a brother the epithets "raca" and fool," compare the following: "He who shames his neighbour in public is as if he had shed blood. True, said R. Nachman, for he makes the blood to leave his face and pallor to come."[48] R. Eleazar of Modiim states that he "who shames his associate in public . . . even though he possess Torah and good deeds has no portion in the world to come."[48] R. Ḥanina said: "All who go down into Gehenna rise up again with the exception of three. These are: he who commits adultery, he who shames the face of his neighbour in public, and he who applies to his neighbour an opprobrious epithet." [50] Injury by words is greater than injury to property, for the latter can be repaid but the former cannot be repaid.[51] These sayings, to which many more could be added, make it clear that the content of Jesus' saying about anger and abusive words does not contradict nor even afford a contrast with the teaching current in the synagogue.

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[43] Mekilta on Ex. xx, 13 (Winter-Wünsche ed., p. 219).

[44] *Ibid.,* on xx, 14. Most of these appear in S-B, Vol. II, p. 256, but a smooth translation has obliterated the literal phrase.

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[45] Derekh Erec 10, quoted in S-B, Vol. I, p. 282.
[46] Sanhedrin 58b.
[47] Tos. Baba Kamma ix, 31, quoted by S-B, Vol. I, p. 278.
[48] Baba Mesia 58b with further elaboration of the point.
[49] Aboth III, 15 (Hereford's edition).

In the case of the second Antithesis the situation is the same. Moore remarks: "When Jesus said, 'You have heard that it was said, thou shalt not commit adultery; but I say unto you that whoever gazes at a woman with desire has already debauched her in his heart,' he was not only uttering a Jewish commonplace but with a familiar figure, 'adultery of the eyes.' " [52] The saying of R. ben Lakish is so much like that of Jesus that to quote it will suffice, provided that one remember that it is only typical of many others: "You are not to say merely that he who commits the physical act is called an adulterer; one who commits adultery with his eyes is called an adulterer; as it is said, 'the eye of the adulterer waiteth for the twilight.' " [53]

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[50] Baba Mesia 58b, with further sayings in a similar vein. Quoted by S-B, Vol. I, p. 281.

[51] *Ibid.* See the whole passage in Fiebig, *op. cit.,* pp. 39-40.

[52] *Judaism,* Vol. II, p. 267f.

[53] Lev. R xxiii, 12, quoting Job xx, 14, 15. For further expression of the same thought see the pages from Moore just cited, Fiebig, *op. cit.,* pp. 52-63; S-B, Vol. I, pp. 300-301.

The fourth Antithesis sets over against the prohibition of false swearing the command, "Swear not at all." It includes in this prohibition those weakened forms of oaths such as "by heaven," "by Jerusalem," "by the earth," or "by my head." It closes with the statement: "Let your speech be 'Yea, yea, nay, nay' and whatever is more than these is evil." Here again the teaching is quite in line with many rabbinic utterances. "Accustom not thy mouth to an oath nor make a habit of naming the Holy One," said Ben Sirach.[54] R. Simeon said: "When the Scripture says, 'Thou shalt not take the name of the Lord thy God in vain,' this does not mean a false oath but a true oath."[55] "Our teacher has taught," reads a later treatise, "to swear even on account of the truth is not good for a man. . . . In the hills of Ephraim lay two thousand towns, and they were all destroyed on account of an oath that was true but unnecessary."[56] Similarly, we read that twenty-four eminent men of Judea were destroyed because of an oath that was true but unnecessary.[57] The Essenes, as is well known, forbade all oaths save those taken at the time of initiation into the community.[58] Almost an exact parallel to part of

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[54] Sirach xxiii, 9f.

[55] Pesikta R. 22 (112b), S-B, Vol. I, p. 329.

[56] Tanhuma *wayyikra* 136a, quoted by S-B, Vol. I, p. 330.

[57] Pesikta R. 22 (112b).

[58] Jos. *B. J.* II, 8, 6f.

Jesus' statement is the saying of R. Eleazar: " 'No' is an oath and 'Yes' is an oath," an assertion which he proceeds to prove with the aid of various Scriptural passages.[59] Thus while Jesus' statement is more pointed and sweeping in its form, it is quite parallel to teaching his hearers had heard before, and would offer them no contrast with the law as they had heard it taught in the synagogues.- cf p25

At this point it may be well to draw a conclusion. The Antitheses thus far considered are certainly the ones most likely to be genuine. In these three the formula, "Ye have heard that it was said to them of old . . . but I say unto you," seems to be an integral part of the utterances. But the content of the sayings offers no contradiction of the law nor contrast with the deeper ethical teaching of contemporary Judaism. When one finds that a phrase similar to the "Ye have heard" of the Antitheses was in use among the scribes to set forth for correction an erroneous view which might be drawn from a text of Scripture, one can only conclude that it was in this sense that Jesus used the phrase in the above passages.

In the case of the last two Antitheses the problem is more complex. Both Antitheses purport to contradict rather than to amplify or interpret a Scriptural precept, as in the cases thus far considered. Furthermore, the presence of similar sayings in Lk. add to one's uncertainty as to whether or not this teaching was originally cast in the form of an Antithesis.

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[59] Shebuot 36a, quoted in S-B, Vol. I, p. 336. See also the saying of R. Jose ben Judah quoted in Moore, II, p. 189, "Let your Yes be righteous, and your No be righteous."

The fifth Antithesis reads: "Ye have heard that it was said, An eye for an eye and a tooth for a tooth. But I say unto you, Resist not the evil one. . . ." [59a] This is indeed a contradiction of the law, but the contradiction is more apparent than real. There are two reasons for saying this. In the first place, contemporary Jewish thought had in all probability ceased to consider the *lex talionis* as a literal commandment. This cannot be strictly proved,[60] but the definite substitution in the Talmud of pecuniary remuneration for exact retaliation,[61] the strong humanitarian spirit of Jewish courts (one capital sentence in seven years was declared to be ruinous),[62] the insistence on forgiveness and non-retaliation in the writings of Jewish moralists for a century and a half previous to this period, the number and strength of similar sayings in rabbinic writing of the second century A.D.—all this makes it probable that the *lex talionis* was not interpreted literally in the first century. If this conclusion be accurate, the law in question had become a principle defining and regulating restitution in cases of damage or injury rather than a law of retaliation.

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[59a] *Ἠκούσατε ὅτι ἐρρέθη, ὀφθαλμὸν ἀντὶ ὀφθαλμοῦ καὶ ὀδόντα ἀντὶ ὀδόντος. Ἐγὼ δὲ λέγω ὑμῖν, μὴ ἀντιστῆναι τῷ πονηρῷ, κτλ . . . .*

[60] On the one hand, direct proof is lacking and, on the other hand, Philo still regarded the law literally (*De Specialibus Legibus*, § 33). At any rate the reinterpretation of the law was more or less recent.

[61] See the material cited in S-B, Vol. I, p. 340.

[62] See the section on "Justice" in Moore, Vol. II, p. 180-87.

In the second place, forgiveness was certainly one of the most characteristic elements in the teaching of the Pharisees. "He that taketh vengeance, shall find vengeance from the Lord. . . . A man cherisheth hatred against another, and doth he seek healing from the Lord?" "Love ye one another from the heart; and if a man sin against thee, cast forth the poison of hate and speak peaceably unto him and in thy soul hold not guile." "Rejoice not when thy enemy falls." "Those who are humiliated and do not humiliate, who hear reproaches and answer not . . . these, says Scripture, are as the sun rising in his splendour." These passages[63] well represent the best Jewish teaching of the period. In the light of such teaching the positive side of Jesus' saying in the verse before us would constitute in the minds of his hearers no departure from teachings with which they were familiar.[64]

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[63] Sirach xxviii, 1-5; Test. Gad. vi, 1f.; Aboth iv, 26; Shabbath 88b and Yoma 24a. See also Abrahams, "Man's Forgiveness," in *Studies in Pharisaism and the Gospels* (1st Series), and Moore, Vol. II, p. 153-5.

The sixth and last Antithesis declares: "Ye have heard that it was said, Thou shalt love thy neighbour and hate thine enemy: but I say unto you, Love your enemies." As often pointed out, there is no passage of the law which says "Hate thy enemy," except the passages which inculcate hatred toward the national enemies, "the enemies of God's people," or toward the wicked, the adversaries of God and of righteousness. The saying of Jesus, however, is quite clearly dealing with hatred of one's personal enemies which he contrasts with the duty of loving them. It is this which he says "ye have heard" from the law. The solution of this difficulty is probably to be found in the meaning of the phrase, "ye have heard." Just as the first Antithesis repudiated a false inference which might be drawn from the sixth commandment, namely, that *anger* against a brother was not illegal, so in this passage the false reasoning that the law does not forbid hatred of an *enemy* is rejected. Indeed Abrahams finds in this saying the clearest illustration of Jesus' use of the rabbinic formula.[65] One must admit that there is much in the Old Testament writings which would make it easy to "hear" from the commandment, love of neighbour but hatred of enemy.[66]

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[64] The doctrine of "measure for measure" or exact retribution repeatedly expressed in Judaism has been cited as evidence against this conclusion. Thus Hillel's saying, "Because thou drowndest, they drown thee; and in the end they that drowned thee shall be drowned." (Aboth ii, 7.) But this was "a principle of divine retribution" not for man's dealings with his fellows. See Moore, Vol. II, pp. 251-2.

Now Judaism affirmed with great force and earnestness the doctrine of love toward God and toward one's neighbours. Of this, of course, there is no question. Jesus assumes that his hearers have been so taught and applies the ideal not to a neighbour in general, but specifically and vigorously to one's personal enemies. In other words he takes this great tenet of Judaism, love of one's fellow-man, and uses it to combat the lingering influence of the *lex talionis,* the doctrine of "measure for measure," which all of us are too prone to employ. In so doing he made no radical departure from Jewish teaching. The passages quoted in the discussion of the previous Antithesis show this. One cannot refrain from adding two further quotations: "Who is mightiest of the mighty? He that makes his enemy his friend," [67] and the saying of R. Ḥama ben Ḥanina: "Even though thy enemy has risen up early to slay thee and come hungry and thirsty to thy house, give him food and drink. Why? 'Because thou heapest coals of fire on his head and the Lord will make him at peace with thee.' [Prov. xxv, 21.] Read not *yeshalem,* will repay, but *yashlimenu,* will make him at peace with thee." [68] These may not equal in strength the force of Jesus' teaching—opinions here will differ—but they make impossible any belief that Jesus is setting forth in this saying a new law of his own over against the familiar Torah.

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[65] *Studies* (1st Series), p. 16f. If it be contended that the fifth and sixth Antitheses have been constructed by the editor out of Q material, the problem as to the relation of the sayings to the Torah of course ceases to exist.

[66] For example, Dt. xxiii, 6; xx, 13; xxv, 17-19; Ps. cix; Ps. cxxxix, 20-24.

[67] Aboth R. N. xxiii. See Abrahams *Studies* (1st Series), p. 164.

This discussion of the Antitheses omits much that one would like to say. In particular, two remarks must be added.

(1) The final conclusion of the section Mt. v, 21-48 contains a confirmation of the above interpretation of the Antitheses which must not be overlooked. "Be ye therefore perfect even as your Heavenly Father is perfect" is the motive given for the ethics embodied in the Antitheses.[69] That Jesus had made this thought his own and that it was the foundation for all his teaching is unquestioned. But it is significant that the Old Testament parallel to this saying, "Be ye holy, for I the Lord your God am holy," was the basis of the Jewish doctrine of holiness outlined above. We have seen that this interest in holiness which went beyond the command-

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[68] *Ibid,* 165.

[69] Mt. v, 48. *Cf.* Lk. vi, 35.

ment and insisted on other duties felt to be in accord with the spirit of the Torah, did not always express itself in purely moral or ethical terms but, in many instances, rather in heightened attention to and interest in the ritual and ceremony of the law. Jesus, too, called on men to go beyond the literal commands of the Torah to an obedience to its spirit, but he set forth that ideal completely in ethical terms. That he refers in connection with this teaching to the same basic passage confirms what has been suggested above, that this teaching was to his mind no departure from Torah but rather the kind of conduct which complete and perfect obedience to Torah involved. It was his conception of holiness.

(2) While noting the similarity between Jesus' teaching in these passages and that of the scribes we must not overlook one important difference. The rabbinic formula ran, "the text says so and so, I hear from it so and so; but there is another teaching"—and a Scriptural passage is quoted which shows this view to be incorrect. Jesus' treatment begins in the same way, but the conclusion runs, "but *I* say unto you." I have noted above this absence of a dependence upon the text of Scripture for his teaching, an absence recognized by his contemporaries in the statement: "He taught as one having authority,

not as the scribes." The authority for his teaching was his own conviction, though there is no doubt that he felt this to be in accord with the basic teachings of the Scriptures. While most of the above teaching was familiar to his hearers and would not need to be authenticated, the phrase which Jesus used serves to remind us again of the approach which he made to religious problems.

And this, "I say unto you," led sometimes to quite unrabbinic conclusions. When Jesus said, "Swear not at all. . . . Whatever is more than Yea, yea, nay, nay is evil," he was treading on dangerous ground. The rabbis forbade violations of oaths, they forbade unnecessary oaths, they declared that "yea is an oath and nay is an oath," but they recognized oaths as being quite legitimate under certain conditions. This "Swear not at all" was too sweeping; it needed explanation and limitation. A second illustration comes from Jesus' handling of the *lex talionis.* Judaism also rejected the statute in its literal sense. But having defined it as meaning monetary reimbursement for injuries inflicted, the scribes in no way questioned its validity. The demand for forgiveness of an enemy, which Abrahams and others have shown that the rabbis so constantly and so nobly voiced, moved in a different sphere from and was viewed as in no way conflicting with such a principle of practical adjustment and recompense which still remained in force. Jesus, on the other hand, virtually rejected the *lex talionis* in any sense, substituting for it the ideal of enduring injury without resistance and overcoming evil with goodness. His sayings on non-retaliation, forgiveness and returning good for evil taken as a whole make this clear, whether or not one accept as genuine the present form of the fifth Antithesis. He was not concerned with laying down rules for the solution of practical situations nor in giving laws for the regulation of society, but rather in setting forth the ideal of conduct which God desires and which will govern those who become members of God's kingdom. His treatment of the *lex talionis,* therefore, is somewhat similar to that of the Deuteronomic law of divorce. It is pushed to one side by the positive ideal which is presented, and left as an inadequate statement of the true will of God. While Jesus' teaching of forgiveness and non-retaliation does not go beyond the teaching of the synagogue in principle, the presentation of this in such unconditional form, perhaps in contrast with and correction of the *lex talionis,* does reveal an attitude which was not characteristic of Judaism. In such contrasts we see revealed one side of the difference between the teaching of the rabbis and that of Jesus. The one never loses contact with practical morals, the other moves in the sphere of an absolute ethic.

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The material peculiar to the Gospel of Luke contains very little that relates to our problem. Brief mention of one or two passages may conveniently be made at this point.

Testimony pertaining to Jesus' association with and friendship for publicans and sinners, "the people of the land," is found in this source even more than in the others. "All the publicans and sinners," we are told, "drew near to hear him."[70] There are two references to the fact that he ate in their homes. In the case of Zacchaeus, Jesus takes the initiative, inviting himself to the home of the publican.[71] The second reference serves to introduce the parables of the lost sheep, the lost coin, and the lost son, and is therefore probably editorial.[72] But these parables are themselves eloquent testimony as to Jesus' attitude toward those who were not righteous. The remarkable statement, "I say unto you that there shall be joy in heaven over one sinner that repenteth more than over ninety and nine just persons who need no repentance,"[73] shows the direction which he believed perfect obedience to the will of God would take. That he did not limit this merely to those who neglected elements in the cultus is proved by the story preserved in this source of the woman who was a notorious sinner, who from much love anointed his feet with ointment.[74] His attitude toward sinners and the view of righteousness corresponding to it are best expressed perhaps by words from this source, "The Son of Man came to seek and to save the lost,"[75] and by the parable of the prodigal son which it alone contains.[76]

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[70] Lk. xv, 1.

[71] Lk. xix, 5.

[72] Lk. xv, 2.

[73] xv, 5; *cf.* verse 10.

There is some evidence similar to that of the other sources that Jesus had little appreciation for a piety which centred its attention on certain impersonal commands of the Torah. Three passages should be mentioned. There is the parable in which a Pharisee whose boast is, "I fast twice a week and give tithes of all I get," is held up to scorn and condemnation.[77] Besides this there are two narratives in which Jesus himself disregarded the law of Sabbath rest in order to heal individuals who were sick, justifying his deed in each case by citing the oral law which permitted on the Sabbath the proper care of domestic animals and their rescue from danger.[78]

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[74] Lk. vii, 37f.

[75] Lk. xix, 10.

[76] Lk. xv, 11f.

[77] Lk. xviii, 11f.

[78] Lk. xiii, 10f., and xiv, 1f.

These two passages add nothing to the similar passage in Mt. already discussed and need not detain us further.[79]

Except for these two cases of healing on the Sabbath and indirect evidence such as the above, Luke's special source has nothing to contribute. In general, L avoids the problem of the Mosaic law, and represents Pharisaic opposition to Jesus as being due simply to the exclusiveness, the pride, and the avarice of the Pharisees.[80]

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[79] See p. 222.

[80] See Lk. xv, 2; xvi, 14f; xviii, 9; etc.

# CHAPTER VII

## CONCLUSIONS

JESUS lived at a time when the religion of his people was in a condition of change and development. There was an overlapping of old and new, a questioning of long-accepted practices and beliefs, a reiteration of ancient doctrines, the beginnings of new movements and organisations. There were crosscurrents and conflicting tendencies. The Judaism of the Talmudic period and the centuries which followed was in the making.

Attempts have been made to find the place of Jesus in one of the side eddies of this stream. Thus the relation of his teaching to that of the Essenes has been stressed. More recently his work has been described as a by-product of Apocalypticism. All such attempts are destined to failure. For Jesus' teachings come from the main stream of Jewish religious life.

This stream in his day was in full tide. Roman domination had crushed the political life of the nation, interest in affairs of state was futile, and for nearly a century the best energy and thought of the people had been turned of necessity into the channels of its cultural and religious heritage. From the time of Queen Alexandra the leadership of the nation had been in the hands of the party of the Pharisees, "a body of Jews," says Josephus, "who profess to be more religious than the rest and to explain the laws more precisely."[1] It is not surprising, then, that this period was one of marked development and progress in the sphere of morals and religion.

There were four different aspects of this development. In the first place, the Scriptures were established in a position of pre-eminent authority such as they had not formerly occupied. This is one of the significant aspects of the victory of the House of Hillel over the House of Shammai. The latter represented the appeal to tradition for the determination of the halacha, the former rather turned to the Scriptures for its deduction. The appearance of systems of hermeneutic rules for the proper interpretation of the text, the endeavour to establish the harmony of the oral tradition with the Scriptures seen in the Mishna and the Gemara, the development of the full doctrine of the Torah outlined in Chapter II, the multiplication of schools in which Hebrew youths were taught to read the Scriptures, these all bear witness to the fact that Judaism was completing the long process of development by which it became the religion of a book.

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[1] *Bel. Jud.* I: 5, 2.

In the second place, it is unquestioned that the period was one of great ethical achievement, when the moral teachings of the great prophetic writers were assimilated and applied to the various aspects of the nation's life. The more humane and kindly spirit of the School of Hillel and its victory over that of Shammai sums up in a general way this ethical advance. Of specific illustrations the foregoing pages have given numerous examples. It is seen perhaps best of all in the summaries of the law made by various rabbis. "What is hateful to thyself do not to thy neighbour; this is the whole law, the rest is commentary," said Hillel.[2] Akiba said: "Thou shalt love thy neighbour as thyself; this is the greatest general principle of the law."[3] In comment on this Ben Azzai said, "When God created Adam he made him in the likeness of God; this is a greater principle than that."[4] These statements, summarising and defining the essence of Torah, reveal the depth and power of the ethical development of Judaism. It is also illustrated by the doctrine of holiness on its ethical side, the teaching, namely, that one

[2] Shab. 31a. [3] Sif. Lev. xix, 18. [4] *Ibid.*

should go beyond the specific commands in one's obedience to the Torah.

In the third place, the genuine religious impulse of the period expressed itself also in an emphasis upon and elaboration of certain ritual performances. Righteousness on the premises which Judaism had inherited, involved the performance of various duties toward God in addition to duties toward one's fellow-men, and the first century witnessed a strengthening of this demand for ceremonial purity and ritual correctness. The elaboration and more exact definition of the scriptural laws of the Sabbath, the tithes, the cleanness and uncleanness of vessels and persons, the liturgical rules for prayers, and the like, found in the Mishna, were largely the work of this period and furnish indubitable evidence of the attention given to and emphasis laid upon these matters in Pharisaic thought. In addition, we find evidence of a conception that perfect obedience to God involved a ceremonial purity and ritual performance which even went beyond the commands of the Torah. The exaggerated ritualism of the Essenes, the practices of pietists such as are described by Büchler,[5] the appearance of the custom of regular voluntary fasting on the part of laymen, and most important of all the requirement that members of the Ḥaburoth, or Pharisaic societies, eat their food in a state of ritual purity, bear witness to this phase of the religious thought of the period. "How vastly has *Tahara* (ceremonial purity) increased," said Rabbi Simeon ben Eleazar toward the close of the second century, "for it was but little aforetime, and has now waxed abundant."[6] Much has been written recently of the remarkable ethical advance made by Judaism in the age of the Tannaim, but it must not be overlooked that this was accompanied by an increased emphasis upon and elaborate development of the inherited ritual commands. Both sprang from the same root, the endeavour on the part of Pharisaism to secure obedience to the law of God as it was believed to have been revealed. But it is an unfortunate fact of human nature that emphasis upon a particular duty or duties tends to obscure more general obligations, and it must have been true to a very considerable extent that the care and attention devoted to such matters as the exact separation of the tithes, the cleanness and uncleanness of vessels, and the like, should have made such matter seem of greater importance than the general ethical duties.[7]

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[5] Büchler: Some Types of Palestinian Piety, pp. 70-78.

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[6] T. J. Shab. 1, 4, quoted by Cohen in "The Place of Jesus in Religious Life of His Day," *Jour. Bib. Lit.*, Vol. XLVIII, pp. 82ff.

[7] *Cf.* the remarks by Dr. Klausner, *op. cit.*, p. 216.

In the fourth place, this period of religious emphasis expressed itself in a movement of separation on the part of those who endeavoured to keep the law exactly from those who did not. In an attempt to make actual the ancient ideal of Ezra, a nation obedient to the law, Pharisaism organised the people into societies for the study and practice of Torah. Ezra had separated the nation from outsiders, Pharisaism took up the further task of separating the righteous from the unrighteous in Israel in order that they might not be led into transgression. Such separation involved social ostracism and certain economic penalties for those who did not keep the law. It resulted in great bitterness and ill-feeling on the part of the ostracised, and produced many expressions of contempt for and disdain towards the ʽamme-ha-ʼares which have been preserved in Talmudic literature. The basis of separation was, as stated, the refusal or failure of individuals to obey the Torah, but this obedience was defined, of course, in accordance with Pharisaic standards, and the items most frequently mentioned in the description of the excluded individuals are matters of ritual.

The work of Jesus stands directly in the centre of this fourfold development, though he anticipated in time the full development of certain of the movements mentioned. His ethical teaching was in line with and indeed was part of that ethical advance which Judaism accomplished during the period. The rabbinic parallels to his sayings are multitudinous. The summaries of the law of Hillel, Akiba and Ben Azzai just quoted and many of the sayings of Jesus are all of a piece. In his teachings the ethical insight of the best representatives of Pharisaism comes to clear and strong expression. But Jesus differed from the Pharisaic movement in the importance which he attached to the traditional ritual and ceremonial practices. He transformed the ethical ideal into an ethical imperative and in comparison with it relegated the ritual duties, even though commanded in Torah, to a distinctly secondary and practically unessential position. He definitely opposed the Pharisaic extension of the law of priestly purity to laymen. He violated the law of the Sabbath on numerous occasions in the performance of deeds which were of service to men. He ate from, or was willing to eat from, dishes that were unclean and to be lodged in houses where no effort was made to observe the laws of purity, in order thereby to "seek the lost." At the tables of the 'amme-ha-'ares he no doubt ate food from which the priestly dues and tithes had not been separated, and there is no evidence that he endeavoured to supply such payments himself subsequent to the meals, as the law permitted. He declared that the eating of prohibited foods or foods improperly prepared did not necessarily make one unclean in God's sight. Furthermore, it seems evident that he perceived this relationship between the moral and the ritual quite clearly and consciously. From David's violation of the law of the shewbread to satisfy the hunger of himself and his men Jesus justified his disciples' violation of the law of the Sabbath when hungry. From the law permitting the care of animals on the Sabbath he drew the inference that it was right to heal afflicted people on the Sabbath. It is fair to assume that he would have sanctioned the neglect of other laws of a similar character which interfered with service to men in need. The ethical ideal which Judaism proclaimed he restated in terms of great clearness and force and declared that this ideal should be given the right of way in conduct at all times and under all circumstances.

But this could be maintained only by means of a new view of the Torah. Jesus' opponents were always ready to insist that love and service were commanded in the law, but they pointed out that other duties were imposed in plain words and that man was bound to obey these ceremonial and ritual precepts also. Love and service were general terms and one must not be led by them into actual violations of or disregard for God's explicit commands. Jesus interpreted the Torah, however, as a divine revelation in which limitless service in love to those in need was commanded—its other precepts were subordinate to that primary duty. Hence when an opportunity to render a service offered itself upon the Sabbath day he was convinced that the command to rest upon the Sabbath was not to be applied in this instance, and he found various indications in both the written and oral law that this was the teaching of Torah. If an oath affected parents adversely he was sure that God's law required first of all respect and care for parents and that it was only a ruling of men which applied the precept "Thou shalt perform thy oaths" to such a situation. When he saw sorrow and suffering being permitted under the sanction of the law, as in the case of divorce, he did not hesitate to declare that this was not God's will but a concession made by Moses from the divine standard stated in Genesis. According to this view specific precepts of the law could be and should be disregarded when they conflicted in any way with the fullest obedience to the basic moral principles of the Torah.

A comparison of the view of Jesus with that of the Sadducees will serve to illustrate further his conception. According to this party, the oral law or tradition was without authority. They regarded it, to use one of Jesus' own phrases, as nothing more than "a tradition of men." But the written Torah they held to be binding in its entirety, and they would have agreed fully with the baraitha in *Sanhedrin* already quoted, "He who says that the whole Torah is from God with the exception of this or that verse which Moses uttered from his own mouth and not God, to him applies the judgment, 'The word of the Lord he has despised.'" Jesus, on the other hand, dealt with the written law as freely as he did with the oral. In both forms of the Torah he declared that the will of God was summed up in certain basic commands of a positive religious and ethical character, and that other precepts were to be disregarded whenever they came in conflict with these primary commands in any way. In one instance, the case of divorce, this meant denying the authority of the regulation completely—a denial in which Jesus comes nearest to breaking away from his general position as to the Torah. To such denials Sadduceeism was opposed. Neither could it tolerate Jesus' free handling of the law of the Sabbath nor his complete subordination of the laws of unclean dishes, furniture, foods, and the like to a program of evangelisation of and service to the outcasts. That Jesus' opposition seems to us to have been chiefly directed against the Pharisaic view of the Torah is due to two facts. In the first place, the Pharisees controlled the religious life of the nation and with them Jesus was in constant contact. In the second place, since the oral law constituted the authoritative definition of the meaning of the written Torah, it was inevitable that the conflict should be concerned first of all with the provisions of this tradition and its binding authority be denied. We must not forget that Jesus was equally opposed to the Sadduceean interpretation of the divine will, nor that it was the Sadduceean "chief priests" who actively brought about his death.[8]

It is important to observe that this work of Jesus, strengthening and enforcing the ethical aspects of Judaism to the neglect of its ceremonial and its formal or impersonal elements, did not rest upon any opposition toward the formal or ritual side of the religion. It is only as these duties conflicted with his conception of righteousness in ethical terms that Jesus ignored or rejected them. This is shown by two facts emphasised in the above pages. On the one hand, Jesus did not set out to attack the ritual practices nor to formulate a doctrine of Torah which would eliminate them, his discussion of these matters being in answer to questions and criticisms of his conduct on the part of the Pharisees. On the other hand, we have had occasion to note that Jesus appreciated and respected the Temple and its services. Even allowing for the element of exaggeration in the prophetic utterance, there is nothing in the sayings of Jesus which reads like the words of Amos, "I hate, I despise your feasts, I will take no delight in your solemn assemblies." Jesus said: "Woe unto you, scribes and Pharisees, for ye tithe mint, anise, and cummin and have left undone weightier matters of the law," but he spoke of the Temple as sanctifying the vessels of its service and of God as dwelling in it.

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[8] Mk. xiv, 10f. = Mt. xxvi, 14f. = Lk. xxii, 3f. and elsewhere.

The antagonism which developed between Jesus and the separatist Pharisaic bodies is now easy to understand. On the one hand, Jesus was strongly opposed to their effort to extend the ideal of priestly purity to the nation as a whole and to put this (represented by the rite of hand-washing) in the forefront of the requirements for membership in their order. He repudiated their emphasis on exactness of tithing and the laws of ceremonial cleanness. He denied the exclusive right of the scribal group to interpret the Torah and to hand down official decisions which were binding. He denied the authority of tradition and thus broke the shackles which bound Judaism so strongly to her past. In a word, he repudiated the whole system of Pharisaism, the binding force of tradition, the authority of the scribes, and, by implication, the interpretation of the Torah in terms of law. From their standpoint, Jesus disobeyed the Torah, beguiled the people into a disregard of its provisions, and substituted the authority of the individual conscience for the corporate judgment of the scribal body.

That Jesus thus viewed the multiform literature of the Jewish Scriptures as expressive of simply a few great principles, all of which could be subsumed under the fundamental command "Thou shalt love the Lord thy God with all thy heart . . ." and "thy neighbour as thyself," will, to some readers, seem too modern a point of view. It will serve somewhat to guarantee the historicity of the presentation as well as to illustrate from another angle the relation of Jesus' conception of the Torah to that of Judaism if we recall the fact that the scribes of Jesus' day were accustomed to speculate as to which was the chief command of the Torah. Three of the most famous of these summaries were quoted earlier in this chapter. A third is very suggestive. "R. Simlai said, Six hundred and thirteen precepts were given to Moses on Mt. Sinai. . . . David came and reduced them to eleven [Ps.

xv, 2-5], then came Isaiah and reduced them to six [Is. xxxiii, 15], Micah brought them to three: 'What doth the Lord require of thee but to do justice, to love mercy, and walk humbly with thy God' [vi, 8]. Then Amos established them as two. Seek me and live [v, 5]. Then came Habbakuk and made the law to stand on one principle, 'The righteous shall live by his faith [ii, 4].' "[9]

Such a summary of the law taken in connection with Hillel's citation of the Golden Rule and Akiba's summary which was the same as that of Jesus, gives the background and perhaps the genesis of Jesus' method of understanding the Torah. Some words of Abrahams, however, will guard us from misunderstanding these rabbinic summaries: "Naturally there was no intention in the Pharisaic authorities who thus reduced the law to a few general rules, to deny the obligation to fulfil the rest of the law. . . . When Akiba and Ben Azzai spoke of neighbourly love as the greatest fundamental law they meant such a general or basic commandment from which all the other commands could be deduced. . . . The rabbi was not discriminating between the importance or unimportance of laws so much as between their fundamental or derivative character."[10] But it was just this last which Jesus did do. Certain laws he declared to be of supreme importance and others of virtually no significance. The basic difference between the two attitudes comes to light if one examine their effects. The followers of Jesus in time rejected large portions of the law while in Judaism exactly the opposite tendency resulted. To quote Abrahams again: "In Jewish theology an objection was raised to such summaries just because they would tend to throw stress on part of the Torah to the relative detriment of the rest."[11] A passage in the Babylonian Talmud is expressive: ". . . These are the chief things of the Torah. Only these and not those? Say rather, these and those are the chief elements in the Torah."[12]

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[9] Tanh. B. 10 (16b).

The work and teaching of Jesus, then, comes out of the main stream of Jewish religious and ethical development. It was not a by-product nor in any sense an accident. The ethical teaching of Judaism he expressed in terms of permanent worth, while its ritual and ceremonial features he subordinated to a relatively insignificant position. In this way he intensified its ethical demands and by freeing it from its peculiarly ethnic features he prepared the way for the religion of Israel to become universal and international in character.

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[10] *Studies in Pharisaism and the Gospels* (1st Series), p. 24.
[11] *Ibid.*
[12] Hagigah 11b (Goldschmidt, Vol. III, p. 814).

A view of Jesus' attitude to the law quite different from the above, namely, that his position was essentially orthodox, has been maintained in the light of the history of the early church. It has been argued that the first group of Christians, the immediate followers of Jesus, were observant of the Torah and differed from their fellow countrymen only in their belief that the Messiah had appeared. The unorthodox view of the law and the beginnings of the break with the synagogue are attributed to the conversion of such Hellenistic Jews as Barnabas, Stephen, and Saul of Tarsus. An examination of this early Christian history, however, confirms rather than opposes the view herein set forth.

(1) The small band of Christians who first gathered in Jerusalem and those who joined their ranks were not meticulous observers of the law. That they "continued steadfast with one accord in the Temple"[13] was not because of any special interest in the sacrificial system, but more probably because of the prophecy "the Lord whom ye seek shall suddenly come to his

[13] Acts ii, 46.

Temple."[14] That Peter appealed to the fact that it was but the third hour of the day as proof that those on whom the Spirit had fallen were not drunk,[15] is of no more significance than that Jesus wore the *zizith* on his garments. Nor does the fact that they are said to have been in "favour with all the people"[16] mean any more than the similar fact that Jesus was held in such high favour by the multitude that the hierarchy in Jerusalem feared to lay hands on him.[17] On the other hand, the facts recorded concerning the leader of these first Christians, the apostle Peter, are conclusive against regarding the group as legalistic or Pharisaic in their manner of life. When Peter journeyed down to Joppa he lodged with Simon, a tanner, an outcast by occupation.[18] From this headquarters he seems to have made an extended missionary campaign, for the account reads that he "abode many days in Joppa with one Simon," and the fact seems to have been known in Cesarea some thirty miles away.[19] Furthermore, Peter ate with Cornelius the centurion and ate freely with Gentiles at Antioch previous to the arrival of certain ones from James.[20] Finally we have the testimony of Paul who declares that he rebuked Peter publicly with the words, "If thou being a Jew livest as do the Gentiles, how compellest thou the Gentiles to live as do the Jews?"[21]

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[14] Mal. iii, 1.

[15] Acts ii, 15.

[16] Acts ii, 47.

[17] Mk. xii, 12 and elsewhere.

[18] Acts x, 5f.

[19] x, 28.

[20] Acts xi, 3f. and Gal. ii, 12.

Further testimony regarding the attitude of the original Christian community comes from Paul's discussion of the conference in Jerusalem over the keeping of the law. He describes the demand for the circumcision of Titus as due to "false brethren privily brought in, who came in privily to spy out our liberty which we have in Christ Jesus."[22] "The whole phraseology descriptive of these false brethren," writes Burton, "implies . . . that they were distinct and different from the original constituents of the church, a foreign element introduced at a relatively late date distinguished not only from the apostles but from the primitive church in general and this not only personally but in their spirit and aims."[23]

The original Christians were clearly members of the class of the 'amme-ha-'ares, individuals who did not keep the law with strictness but who were not therefore necessarily opposed to it. We have already noted this in the case of the Twelve; and the probabilities point toward its being true of the majority of their brethren. These Christians regarded the Scriptures as being inspired of God, but they were careless as to the details of the law. They ate with "the people of the land," were no doubt negligent as to the tithes, did not hesitate to lodge with people like Simon the tanner, and in other respects probably failed to keep the rules of ceremonial purity. They found the positive content of their religion in a fellowship which stressed mutual love and helpfulness, gladness and praise to God, and in preaching the coming Kingdom and the necessity of repentance. In this reverence for the Scriptures, this emphasis on love and mutual service as expressive of the content of the Torah, and in this neglect of the ceremonial and ritual phases of the law we see the example of their late leader. The words used to describe the impression which Peter and John made on the Sanhedrin are descriptive of the whole group: "When they beheld the boldness of Peter and John and had perceived that they were unlearned and ignorant men, they marvelled; and they took knowledge of them that they had been with Jesus."[24]

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[21] Gal. ii, 14.

[22] Gal. ii, 4 and 5.

[23] Galatians (I. C. C.), p. 83.

(2) The attitude of Jesus to the Torah outlined above explains and illumines the early career of Paul.

In the first place, why did Saul of Tarsus give himself to the persecution of the infant church?

[24] Acts iv, 13.

Though intolerant, he was certainly neither bloodthirsty nor cruel. The church was not hostile to the leaders of Judaism, as Peter's speeches show,[25] nor were the Christians themselves transgressors of the law to any greater extent than other members of the class of "people of the land." A good deal of ink has been consumed in an endeavour to explain Saul's zeal in persecution as due to a psychological involution in which his subconscious response to the Christian preaching appears consciously as an hatred of the faith.

A much simpler explanation seems at hand. Paul was not only gifted with a keen and penetrating intellect, but he was a trained rabbinic scholar. He was familiar with the events of the life of Jesus as narrated both by his enemies and his friends. He had heard his sayings recounted. And Paul saw that no matter how much one might claim to revere and honour the Torah, this teaching was destructive of it in the accepted sense. To teach that the Torah contains certain fundamental positive principles which must always be put into practice even at the expense of definite commands of the Pentateuch was to destroy its very nature as law. For laws are exact and specific commands, and if precepts enjoining avoidance of certain foods, abstention from labour on the Sabbath, and others of a like nature were subject to violation whenever one felt that one might thereby "do good," they were no longer laws at all. If Jesus' teaching were accepted, the ultimate authority in religion would no longer be the Law of Moses but these very general moral principles. Such an interpretation of the law was a much more serious matter than mere disobedience to this or that commandment or even apostasy to the whole of the law. This teaching took elements in the scribal instruction of the people—the discussion of the chief commandment for example—and used them in such a way as to destroy the conception of a revealed Torah. There always had been and always would be violators of the law, publicans, robbers, "people of the land." This teaching was a more serious matter. It supported on principle the carelessness and indifference of the 'amme-ha-'ares toward various commandments. It furnished to the lawless multitude a justification for much that they would like to do. Thus it struck at the root of Judaism, the validity and authority of the Torah, oral and written.[25a] This is not to deny that other factors entered into Saul's motives, the opposition of Jesus to the scribes and Pharisees for example, no doubt also the instinctive response of Saul's mind, psychologically conditioned by his Hellenistic experiences, to Jesus' teaching. But I do suggest as the fundamental reason for Saul's program of persecution, the perception by his trained mind that here was a teaching which was destructive of Pharisaism.

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[25] Acts iii, 17.

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[25a] I would relate this to the probability that Paul had come in contact with a similar "liberal movement" among the Jews of the Dispersion which minimised, allegorised or rejected outright the external Jewish practises. That it was current, see Philo's criticism of it in *De Migrat. Abrah.* 26, and the story of the Jews

The hypothesis that this was the attitude of Jesus and that Saul clearly understood its implications receives weighty confirmation from his thought and preaching after his conversion. He declared that the law had run its course, that it was no longer binding, and that righteousness was to be defined in terms of a general moral principle. What is the explanation of so complete and sudden a reversal of his former position, the promulgation of a doctrine so subversive of everything Judaistic? The explanation has been sought in his unsatisfactory religious experience under the law, but the cause is inadequate to explain the results. Paul's Hellenistic background has also been cited and was, of course, a factor of primary importance,

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who dissuaded King Izates from circumcision (*Antt.* xx, 2, 3f.). Strabo, in his description of the Jews (*Geog.* xvi, 2, 37) presents the same point of view. If so, Paul had already seen the inevitable result of such an understanding of Torah in general moral terms. Its logical result was the abandonment of the laws and customs.

but neither can this alone account for so radical a change. Now it is important to observe the exact position which Paul adopted with reference to the law. He declared that it was no longer binding as law, neither in its ceremonial nor in its moral aspects, but was valid as expressing certain underlying ethical principles. In both his major discussions of the function of the law he is at pains to make this clear. He concludes his letter to his Galatian converts with the summary, "For the whole law is fulfilled in this one word, even in this, Thou shalt love thy neighbour as thyself."[26] To the Roman Christians he develops the thought at greater length: "Owe no man anything, save to love one another: for he that loveth his neighbour hath fulfilled the law. For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not covet, and if there be any other commandment, it is summed up in this word, namely, Thou shalt love thy neighbour as thyself. Love worketh no ill to his neighbour: love therefore is the fulfilment of the law."[27] It is impossible that Paul wrote these words in ignorance of the teachings of

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[26] Gal. v, 15.

[27] xiii, 8-10. On this distinction in Paul's thought between the Scriptures as law and as a body of ethical principles, see the detached note on the word Νόμος in Burton's *Galatians*, especially pp. 449ff.

Jesus on obedience to the Torah. It is also impossible that on such a crucial point Paul's views could have been at variance with his conception of the teachings of his Lord.[28] As a result of this study Paul stands out in a new and stronger light as an interpreter and exponent of the teachings of Jesus. He was not an innovator who in this vital respect turned the course of the Christian movement.[29]

(3) It is scarcely necessary to point out that the view developed above of Jesus' attitude toward the Torah fully explains how it came about that the early church also drew into its ranks men who were "zealous for the law" and who believed that it was necessary to be "circumcised after the custom of Moses" in order

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[28] It is important to observe that Paul insists that his gospel was not at variance with that of the original Christian community, and that he had received it "from the Lord". See Gal. i, 7-9, 11f.; ii, 6-9. *Cf.* I Cor. iii, 22.

[29] Objection is sometimes raised to the above views on the grounds that Paul does not quote the saying on clean and unclean meats in his discussion of the matter in Galatians. It is surprising that the saying is not quoted. Perhaps the explanation is to be found in the following considerations: (a) Paul probably did not know the saying in quite the detached and sweeping form in which it now appears in Mk. vii, 15. I have suggested above that the saying, like the one on clean and unclean vessels, was stated originally in more concrete terms than we now have it. (b) The matter of foods was only one of several issues which had to be met in the Galatian situation. We know that the Jewish calendar was being observed and that circumcision was already being accepted (Gal. iv, 10 and v, 2). Paul deals with no one of these separately but merges them into the single choice between salvation by faith in the Lord rather than by works of law. This is

to be saved.[30] Jesus had been no iconoclast. He had spoken of the Torah in terms of deepest appreciation and had found the pages of the Scriptures filled with prophecies of the new age which he was proclaiming. He had confined his work to the people of Israel and had been noteworthy in inducing publicans and sinners to become again "children of Abraham."[31] The first Christians were careless as to the law, but they made no attack on it, and they justified their lax standard on no theoretic grounds. They no doubt appealed to the example and sayings of their departed leader, but pious Jews, recognizing the value of Jesus' teaching on love and service and forgiveness and other major themes of Judaism, would feel that in such sayings and incidents his unlettered and ignorant followers must have misunderstood him. Over against such elements in the tradition they oppose other say-

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certainly the argument of Galatians ii—v. In the case of Romans, it may be that xiv, 14 is an echo of the saying in question: "I know and am persuaded in the Lord Jesus that nothing is unclean of itself." (*Cf.* verse 20 and I Cor. viii, 8.)

Too much, however, can be made of Paul's failure to cite this passage. Two analogies will serve as a warning. He cites neither Jesus' example nor his teaching in his opposition to the observance of feast days and Sabbaths (Rom. xiv, 5 and Col. ii, 6) though the presence of pertinent material in the tradition can scarcely be doubted. He discusses at considerable length the duty of obeying rulers, mentioning specifically the obligation of paying tribute "to whom tribute is due" (Rom. xiii, 1-7) but does not quote, "Give unto Cæsar the things of Cæsar." We would certainly be wrong in concluding therefrom that the saying is not genuine.

[30] Acts xxi, 20, and xv, 1. [31] Lk. xix, 9.

ings in which the validity of the law was affirmed. Thus the conflict over the law was inevitable. To the two major theses were added in time various modifications and alternative views, until as a result one finds in our Synoptic Gospels sayings concerning the law attributed to Jesus which range all the way from its complete affirmation to its entire rejection.

An attempt to solve the problem of Jesus' attitude toward the law by means of an analysis of the gospels into their sources we have seen to be a failure. Within the several strata the same divergent material has been found. It is necessary, therefore, to neglect in large degree the formal utterances about the law and to study the actual issues which arose between Jesus and the representatives of orthodox Judaism. Such study we have found to yield results which are not only in closest relationship to the development which Judaism had reached in the first century, but which also accord with and help to explain the early events of Christian history.

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